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MEMOIR

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REV. JOHN CLAY, B.D.

THE PRISON CHAPLAIN

A MEMOIR

OF THE

REV. JOHN CLAY, B.D.

LATE CHAPLAIN OF THE PRESTON GAOL,

WITH SELECTIONS FROM HIS REPORTS AND CORRESPONDENC
AND A SKETCH OF PRISON DISCIPLINE IN ENGLAND.

BY HIS SON,

THE REV. WALTER LOWE CLAY, M.A

OF EMMANUEL COLLEGE, CAMBRIDGE.

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PREFACE.

THE publication of this work is due to a combination of two reasons.

It was my father's intention, had he lived long enough, to compress his numerous pamphlets and reports, together with a great mass of fresh materials which he had collected, into a treatise ("to be made popular if possible") on the remedies for Crime. At his death, however, he had not even commenced the undertaking. He frequently asked me to carry out his design in case he failed to finish the task himself. In the present work I have attempted to discharge the duty laid upon me. I found that my father's MSS. were very fragmentary and imperfect; and, in consequence, I soon perceived that by merely editing his papers I should very inadequately fulfil his wishes. Eventually, I became convinced that an historical sketch of the Penal System of England would be at once a fitting monument to his memory, and, in some measure, an accomplishment of his scheme.

I had, however, another purpose to effect. Many of my father's friends urged me to write a memoir of his life. They wished to possess such a memoir for their own sakes, and they

thought the life had been noble enough to deserve an effort to save his name, for a few years, from oblivion. It occurred to me that I might combine the gratification of this wish with my main intention; and I have, therefore, woven my father's biography into the history of the great cause for which he laboured.

I am aware that the following pages are marred by many blemishes; and, probably, the errors I have committed are even more numerous than I suspect. I have had to compile the book in the midst of other, and almost ceaseless, occupations; and I have been beset by difficulties, wholly unknown to professional writers, in my efforts to procure the information I required. I need not say that the crude opinions, the literary faults, and the inaccuracies with which this volume abounds, would have been wholly absent, if the father, and not the son, had been the author.

I gratefully acknowledge the valuable assistance I have received from many quarters. In particular, I have to thank Lord Stanley, M. D. Hill, Esq., and Miss Carpenter, for the correspondence which they placed at my disposal

Kenilworth, July 6th, 1861.

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ADDENDA & CORRIGENDA.

Page 92, *line* 10.—"In 1815 a refuge for young criminals, the forerunner of reformatory schools, was opened in London." This is an error.

Page 104, *line* 11.—"In Charles II.'s reign, if not earlier, the Friary was transformed into a House of Correction." Since this was printed, I find that there is extant a "Book of the Rates for the County Palatine of Lancaster," from which it appears that 52*l.* 16s. 0d. was as early as 1624 "the yearly stipend due to the Governō of the House of Correccon at Preston." It is probable that at this date the old Friary had already become a Bettering House.

Page 167, *line* 7.—"The annual supply of criminals worthy of transportation was little short of twenty thousand." The sentence is ambiguous: I mean that the accumulated stock in hand of transportable criminals was, one year with another, little short of 20,000.

Page 178, *last line.*—"A bill for that purpose was accordingly passed in 1838." The act, however, which regulates the treatment of insane prisoners is 3 & 4 Vict. c. 54 (1840).

Page 241, *note.*—"The introduction of a clause to that effect in Sir J. Pakington's Act would have doubled its value." I have fallen into an error here: there was such a clause; but as it did not give a legal power of detention [redacted]he young delinquent to the person who took charge of him, though it exacted [redacted]ty from him, it made the responsibility so hazardous that it was seldom [redacted]aken.

[redacted]*e* 406, *line* 10, *&c.*—"As yet the lavish expenditure," &c. Since this was [redacted]n, the report of Mr. Childers' Committee has appeared. From this it seems [redacted]ne repugnance of the colony to receive transports is not yet sufficiently [redacted]ped to call for a cessation of the felon-trade on that account: and the outlet it furnishes is too useful to be closed till the necessity grows more urgent than it has yet become.

Page 418, *note* [1].—"Since succeeded by Mr Lentaigne." Mr. Lentaigne has recently been appointed inspector-general of prisons in Ireland, and owing to the great decrease in Government convicts, it has not been thought worth while to fill his place in the board.

CHAPTER I.

PARENTAGE, EARLY LIFE, AND EDUCATION.

ABOUT the year 1660 there lived at "the Hill," in the parish of Wingfield, Derbyshire, a certain Richard Clay, who is described in family documents as "Richard of the Hill."[1] The lineal descendants of this Richard Clay are now some thousands in number. He left behind him four sons, all of whom married, and begot sons and daughters. The next generation was

[1] Clays, Clayes, or Cleys, were very numerous in Derbyshire, and probably, but not certainly, they came from a common stock. When a Clay now-a-days becomes a notability, and inserts his lineage in a "History of the Landed Gentry," he generally claims descent from the "Ancient family of Clays, of Crich, in Derbyshire." However, John Clay, the last of this family, who died in 1602, inconsiderately left only three daughters, and his estates (which were considerable, for in addition to his own, he had purchased the property of Anthony Babbington, the conspirator) passed to their husbands. An alabaster altar-tomb, covered with figures, inscriptions, and armorial-bearings, in memory of John Clay, his wives, and children, still stands in the chancel of Crich Church. The name, Clay, seems to have been a stock joke-breeder for the mediæval punsters of the parish. The tomb bore a long quibbling epitaph, but even at the time the MS., which is the authority for these statements, was written (1768) it was almost effaced. Between the legs of Mr. Clay's effigy are the words HOC LUTUM DEO FIGULO. ROM. IX.; and on the chancel screen above, the following legend is painted:—

"Souls they are made of Heavenly Spirit:
From whence they come the heavens inherit. [sic.]
But know that bodyes made of claye:
Death will devouer by night or day.
Yet is hee as hee was I say:
He living and dead remayneth Claye.
His verye name that nature gave:
Is now as shall be in his grave.
Tyme doth teach experience tryes:
That claye to dust the wind updryes.
Then this a wonder coumpt wee must:
That want of wind should make Claye dust."

The descendants of Richard Clay, of course, claim relationship for him with this John Clay; but the only evidence that can be adduced is family tradition, the proximity of Wingfield to Crich, and the use of the same arms. [The arms are —argent, a chevron engrailed between three trefoils sable. These trefoils or clover-leaves (German *Klee*) are said to be the origin of the name.] Henry Clay, the American statesman, is stated to have come from the Derbyshire stock.

equally fruitful; few died in infanc[illegible] married. Thomas Clay, of Higha[illegible] the Hill, had a quiverful of three [illegible] Robert, the youngest of the sons, migrated to Liverpool in the directory of that town for 1760 he appears as "Clay, Merchant, Cooper's Row." He married a Liverpool belle, Janet, only daughter of "William Neal, blockmaker, east end of Old Dock," by whom he had one son, Thomas, and three daughters. William Neal not only started Thomas in business, but also built a house for his grandchildren, sparing no expense to make his gift notably complete and substantial; in fact, in its day, it was regarded as a show house. At the present time it is a warehouse, at the bottom of Moore Street, facing the St. George's Dock—the tradocracy of Liverpool having long since ebbed away from what was once a favourite quarter. The dock and piles of buildings now intervene between the house and the Mersey, but at the time it was built the river flowed within a few yards. On the night of the great storm in 1768, a vessel that was blown ashore ran its bowsprit into a bedroom window of an adjacent house. The trade which Neal chose for his grandson was that of ship and anchor smith, (a lucrative business in the days when every merchantman carried letters of marque, and the consequent demand for gun-carriages was incessant;) and in vaulted cellars underneath the new house he built him a smithy—a shrewd device for keeping the house warm and its owner close to his work.

Left sole proprietor of his grandfather's gift by the marriage of his sisters, Thomas Clay himself married (Oct. 25, 1781) Mary, daughter of "Ralph Lowe, tanner, Williamson Square." The issue of this marriage was six sons and three daughters; one boy and one girl died in infancy, the second son died five, the youngest fifteen years ago; the rest, excepting the youngest but one, the subject of this memoir, are still living.

John Clay was born on the 10th of May, 1796. He was a sickly, delicate child, and while still very young, the smallpox nearly proved fatal to him. To restore his health he was sent, according to a common custom of the day, to "have the run" of a farmhouse. Country air and treatment soon produced the

desired effect, and he returned home comparatively robust. The illness left him subject to asthma; but this disease, from which he was eventually destined to suffer so acutely, lay dormant till an advanced period of his life. For some years he was considered a very dull child. One of his elder sisters has still a clear recollection of the difficulty she experienced in teaching him to read. Amiable, tractable, but apparently hopelessly inert, he was almost abandoned as a dunce, when the necessary stimulus to exertion was given by the precocious cleverness of his younger brother, William. Alarmed at the prospect of being passed by his little playfellow, two years his junior, he all at once displayed, not genius, that he never possessed, but bright ability, and extraordinary perseverance. At home, and afterwards at school, there was a close race between the two boys, but John, by dint of hard toil, kept ahead of his competitor.

The only school to which he was ever sent, was a private academy, kept by a Mr. Wylie. Being destined for a clerk's desk, he here received merely a commercial education—no Greek, only the rudiments of Latin, a smattering of French, and a thorough training in accounts. At the age of fifteen, he was transferred to a merchant's office, where he soon won the confidence of his employers; their failure, however, after a few years, terminated all hopes of advancement by their favour. He was then induced to enter another mercantile house, but at the end of two years this firm failed also, and left him at the age of twenty-one without employment, and under the necessity of beginning life over again.

The period of this mercantile apprenticeship had not been lost; during the whole time he had been, to use his own favourite phrase, "taking pains with himself," and, by degrees, he had become a well-educated and accomplished man. Ever since he emerged from his childish dulness, his industry had been remarkable; he was always at work upon something. As a boy he was an ingenious toy-maker. The saying at home was, that "William broke the toys and John mended them." As he grew older he became the family factotum; to "send for John," who was "never without a resource," was the established

practice in every emergency. Many memorials of his mechanical ingenuity still exist. Few old-fashioned drawing-rooms in Lancashire are without a Clay-chair, one of the easiest of easy chairs. The original design was invented by him for the benefit of a lady afflicted with a spinal complaint. Some few archers of the last generation, who possess the once famous bows of Walton-le-Dale, may recollect that their beauty and strength are due to the improvements in the art of bow-making which John Clay worked out for Ainsworth, their manufacturer.

From the time he left school, he applied himself diligently to remedy the defects of the education he had received there. To master the most useful of modern languages was his chief ambition, and to this for some years he devoted most of his "odds and ends" of leisure. His practice of breakfasting with a grammar by the side of his plate is still clearly recollected. In this way he obtained a thorough knowledge of French and Italian, and something more than a smattering of Spanish and German. An insatiable reader, and endowed with a retentive memory, he soon became familiar with the best English classics. His complete ignorance of the higher branches of mathematics, debarred him from strictly scientific studies; but with popular science he was thoroughly conversant, and to the end of his life, however busy, he always found time to watch and study with keen interest the latest investigations. His fondness for such subjects was increased by a sense of duty. "There is no kind of progress," was his often-expressed conviction, "with which a clergyman is more bound to keep up than with the progress of scientific inquiry."

The pursuits, however, to which he was most passionately devoted from childhood to old age were music and painting. He never acquired a scientific knowledge of music; he had not a very correct ear; his voice, though full and strong, had no great compass; and he never received any regular instruction, except a few lessons from Nicholson, the celebrated flute-player; but in feeling and expression he was surpassed by very few musicians. Such was the exquisite felicity with which he sang a humorous or a plaintive song, that, in the midst of laughter or tears, his audience entirely forgot to criticise. His claims to be reckoned an accom-

plished musician rest on his song-singing and his Jew's-harp playing. He learned also to play on the flute, and only a few years' before his death, on the concertina. On these, however, he was neither a better nor worse performer than most self-taught amateurs; but his playing on the Jew's-harp was exquisitely beautiful. Adopting an unusual way of handling the instrument—he held and played it with one hand—he extracted from it more music than it had previously been supposed capable of producing. This editor has often seen him draw tears from his listeners by some simple touching melody conjured out of the little toy.

In painting, as in music, he was entirely self-taught, with the exception of some little instruction received from the late President of the Liverpool Academy, Mr. Barber, the landscape painter. It was not, however, till he was more advanced in life that he attained his full powers in this respect. For many years he was a mere timid copyist; but at length he completely threw aside this feeble practice, made the attempt to paint from nature, and though he never attained the highest qualities of an artist, yet in command of his materials, in careful and precise drawing, and as a colourist, he far surpassed the usual amateur standard. His marvellous industry is shown more by his art-remains than by almost anything that he has left behind. All of his friends and relations possess many examples of his skill, and, what is more, in almost every style; minutely finished drawings in pen and ink or lead pencil, landscapes in sepia and Indian ink, miniatures,—products these, for the most part, of early date, and subsequently rather despised,—chalk portraits, bold sketches on the spot, finished water-colour pictures, and elaborate oil paintings.

The epithet "accomplished," which was allotted to him in a previous page, is justified by other acquirements. Among the young men of his day in Liverpool, athletic sports were cultivated with keen zest. Young Clay, with his light, spare, well-made figure, five feet seven inches in height, and probably never more than ten stone in weight, and applying even to sports his own favourite precept, "what is worth doing at all is worth doing well," presently made himself an "accomplished" [athlete.

He was in the eleven of the first cricket club formed in Lancashire; as an amateur light-weight boxer he rarely met his match; as an elegant skater he almost rivalled an elder brother, who was one of the best in Liverpool; for some time he was reckoned the fastest runner in the town. "I was pretty proud, I can tell you," says one of his old friends still living, "when I beat John Clay for the first time in a foot-race." Rather later in his life he was, oftener than any other member, the holder of the silver arrow in a once famous archery club, the Bowmen of Walton-le-Dale.

But he considered that fencing and riding were his "crack" accomplishments. The former he learnt from Sergeant Ewart, the noted swordsman, who captured a French eagle at Waterloo, and he studied the art so diligently in Ewart's fencing school, that the sergeant himself was hardly his overmatch in dexterity, and could only master him by beating down his guard by sheer strength. It used long after to be the delight of his children to pit their father, at single-stick, against their own drill-sergeant, a tough customer himself, whose disgust at being conquered by a parson was highly appreciated by the juvenile awkward squad. Some notable stories are still preserved of his feats as a rider. In later life he was especially fond of recalling his equestrian reminiscences, the more so, perhaps, as his somewhat narrow income would allow no indulgence in his favourite exercise. "I could do everything in horsemanship," he used to say, "except ride postilion; that, and milking a cow, always beat me. I could train a horse as well as most professional horse-breakers: they ruin, by their savage treatment, half the horses they break. 'Breaking' is just the word for their method. You can't persuade them that horse-*training* is their business, and that it should be done by firmness and kindness. I once trained a raw young horse for a lady in two days; she rode it twenty miles on the third, and said that she was never carried better in her life."[1]

On one occasion he appeared as a stage-player. When still quite a child he attracted notice by his good reading, and in no respect did he "take pains" with himself more diligently than

[1] This was said, of course, long before the days of Rarey.

in elocution. The Liverpool theatre was at that time the best in the provinces. John Kemble, Edmund Kean, Munden, Emery, Young, and all the best actors of the day, frequently performed there. He never lost a chance of seeing and carefully studying good acting. While still a boy he was familiar with all the plays then usually performed, and knew by heart the most noted passages of Shakespeare. During the severe winter of 1815-16 there was bitter distress among the poor of Liverpool, and the wealthier classes were subscribing largely for their relief. Young Clay and four of his friends proposed a dramatic performance by amateurs, for the benefit of the relief fund. Such an attempt was at that time almost unprecedented, and great interest was excited by the proposal. Though the prices were doubled, every reserved seat was taken long beforehand; on the night of the performance the house was crowded, and the receipts exceeded 700*l.* Colman's "Poor Gentleman" was the play selected; and as Mr. Clay took the part of Farmer Harrowby, he was the first of the amateurs who had to appear on the stage. His acting was so clever, and his self-command so perfect, that the critics in the house at once pronounced that he was an old stager, and the whole affair a hoax. His success in the afterpiece, "Bombastes Furioso," was still more decided. In the character of Fusbos, he parodied the acting of Kean with such felicity, that the house came down with an unanimity and heartiness rarely elicited even by the magnates of the stage. When the amateurs were called before the curtain at the close of the performance, the reception of Farmer Harrowby and Fusbos rivalled that given to the chief actor of the evening, the brilliant, accomplished wit, John Hamilton Parr. "In our profession, sir," said "Gentleman" Knight, the actor, who had sat watching behind the scenes, "a man has got on well if at the end of a year he can make a decent bow to the audience. I have seen very few, sir, who could act as well as you have done to-night after ten years' practice." In subsequent years, when Mr. Clay found himself among very grave people, especially if a bishop were present to give solemnity to the company and zest to the joke, he dearly loved to begin a story with "When I was on the stage."

The failure of his second employer entailed on him many months of anxiety, during which he was vainly searching for a new path in life. At one time he had almost determined to take up art as a profession, but on further consideration he abandoned this half-formed intention. "The life of uncertainty," he wrote to his eldest sister, "anxiety, and subserviency which an artist must lead, when compared to the more independent situation of a mercantile man, cannot possess any charms for me." While still in this state of uncertainty he went on a visit to the house of his connexion and very kind friend, Mr. Charles Swainson, of Cooper Hill, near Preston. Versatile, genial, warm-hearted, and with a marvellous capacity for making himself useful, he was soon as prime a favourite in Mr. Swainson's household as in his own home. The visit was protracted from week to week, and eventually turned into a residence which extended over many years. At an early period of the visit Mr. Swainson, who had formed a high opinion of his sterling character and abilities, strongly urged him to take Holy Orders. The insufficiency of his education, and the inability of his father to bear the expense of sending him to college (even if his age—he was now twenty-two—had not rendered it unadvisable), seemed to him at first insuperable objections; but the thought, once presented, grew rapidly into a strong desire, and before long he adopted Mr. Swainson's advice, and devoted himself with intense application to the studies necessary for the bishop's examination. For rather more than a year he read as a private pupil with the Rev. Robert Harris, then Head Master of the Preston Grammar School, making the Greek Testament his chief study.

In February, 1821, he lost his father. In August of the same year the assistant chaplaincy of the House of Correction was unexpectedly offered to him. There was an ordination at Kendal five days after the offer was made. Dr. Law, the then Bishop of Chester, was known not to be fond of "Literates;" moreover, there was no precedent for accepting a prison chaplaincy as a title to orders, the usual notice of candidateship had not been given, and the bishop was a stickler for episcopal punctilios. However, on the urgent recommendation of some

potential friends, the bishop waived his objections, and he was ordained deacon on the 11th of August, 1821. On the 22d of September, 1822, he was ordained priest at Chester.

Fully sensible how defective his education was when measured by a clerical standard, he continued his classical and theological reading for some years after his ordination; indeed, until the increasing exigencies of his chaplaincy absorbed all his time and energies. Soon after receiving priest's orders he entered, as a ten years' man, at Emmanuel College, Cambridge, but did not keep the three terms required till 1834-5. When he kept his Act, and took his degree as bachelor of divinity (October, 1835), he was required to maintain the question, *Lapsis a baptismo in peccata locus pœnitentiæ non est negandus*,—a proposition singularly appropriate for one who spent his life's best portion in pleading for "a place of repentance" for the outcasts of society. Whilst at Cambridge he, of course, saw nothing of undergraduate life, being thrown entirely among the fellows of his own and other colleges. Many ex-fellows of Emmanuel still retain a pleasant recollection of his genial and often brilliant conversation. At Cambridge, as in every place where he was known, he formed friendships which were only terminated by death.

On the 11th of March, 1828, he married Henrietta, third daughter of the late Mr. Fielding, of Myerscough. Three sons and three daughters were the issue of this marriage; the second daughter died in infancy, and the eldest son, a boy of great promise, at the age of twelve. For the death of the latter Mr. Clay grieved with great and exceeding bitter grief. After the first burst of sorrow was over, he never mentioned his name till within a few months of his own death: it was noticed that he then began to speak of him freely and frequently. During the first four years of his married life he lived in Walton, a village close to Preston; afterwards, he built himself a new house on the high ground above the Ribble, on the south of Preston, deliberately choosing a site a mile and a half from the prison, "to ensure every day a three miles' walk." Railroads and warehouses now almost surround the house, but when first built it stood in the open country. Of course he was his own

architect, and as he had to solve the problem of building a large substantial house with a small sum of money, the result was one of the best built, most comfortable, and ugliest houses in Preston. It was his home for all the rest of his life, except the last few months.

Before describing his labours in the House of Correction, it will be necessary to give a short history of the progress of prison discipline in England.

CHAPTER II.

THE STATE OF PRISONS IN ENGLAND BEFORE THE TIME OF HOWARD.

BEFORE Howard's time, the state of English prisons was horrible and disgusting; not for lack of legislation, however, for the Statute Books contained more than a score of acts relating, wholly or in part, to prisons; acts, for the most part, not devoid of some crude wisdom and humanity, yet, for want of due enforcement, almost useless; in fact, they had well-nigh lapsed into oblivion and dormant nullity.

The great central evil of the old Gaol system was, that the keeper, free from supervision and restraint, was left to make his living out of the Gaol. A salary was seldom given; sometimes he paid a rent,[1] sometimes he bought his place. Under such temptation the race of gaolers, whether male or female—for the female species was not uncommon—grew greedy and brutal. Vile abuses arose from their devices to reimburse themselves. Certain methods of extortion were legalized; for the law, as well as custom, virtually imposed upon prisoners the cost of maintaining their prisons. Either on his admission or on his discharge, and often on both, the prisoner paid certain fees; and during his imprisonment, if he lodged on the master's side, he paid sometimes for his board and always for his lodging; for most Gaols were divided into two parts, the master's side and the common side. The common side prisoner paid little or nothing, except his fees on entrance or discharge; but on the

[1] Howard mentions many examples; *e. g.* in Norwich there were two gaols; in the one the keeper paid 31*l.* 10*s.*, in the other 40*l.* a-year to the under-sheriff.

master's side there were a few filthy luxuries on sale.[1] Generally the gaoler farmed the prison allowance of food; and Howard found many gaols where the profits in this respect reached a hundred per cent. But fees, rents, and parings off the prison rations, were barren expedients compared with the prison tap. Every gaoler was a publican, and with his customers safe under lock and key he drove a thriving monopoly. As he fattened on the drunkenness and debauchery of his prisoners, their lucrative vices were systematically stimulated. Beer clubs and spirit clubs were patronized lovingly; the losels and harlots of the neighbourhood were freely admitted to carouse with their incarcerated pals; all the usual enticements of the pothouse were sedulously offered: cards, dice, skittles, fives, Mississippi, Porto Bello and billiards flourished vigorously. For the due promotion of drunkenness the prisoners were allowed to levy a tax on every new comer. This tax, "garnish," "footing," or "chummage," as it was called, often amounted to several shillings; in the case of a debtor it was generally double. If the poor wretch could not pay, they "let the black dog walk;" that is, stripped him, if necessary, almost naked. Commonly these garnish payments were carefully hoarded till they amounted to a round sum, and then they were spent all at once in a universal debauch, to the great gain of the tapster gaoler.[2]

None of these money-making devices were positively illegal. The prison tap was not prohibited by law till 1751, fee-taking not till 1774, and then only with respect to acquitted prisoners; but both abuses existed long after they were pronounced illegal; and so, too, did many other practices of which the legality had always been questionable, but which, notwithstanding, were carried on without let or hindrance. It was the prisoners on

[1] As a specimen "Table of Fees," out of the many printed in Howard's State of Prisons, take that at Maidstone county Gaol. The felon paid, on his discharge, 13*s.* 4*d.*; to the turnkeys, 2*s.*; for bed and bedding, on the master's side, 3*d.* a night. As a rule, the debtor's fees were lower than the criminal's.

[2] The custom was an old one: it is mentioned in Mynshul's Essayes (1618):—"Thredbare and Monilesse, thy chamber fellowes come upon thee for a garnish, which if thou deny them, or hast no money, then *exit* cloak from thy shoulders, and enter two dousen of pots, and one dousen of pipes." Occasional attempts were made to stop this abuse. In 1730, for instance, four men were tried at the Old Bailey for assault and robbery in taking garnish, and sentenced to be hung.

the master's side who were chiefly practised on by the needy and greedy gaoler. As nothing could be squeezed out of the penniless wretch on the common side, he was comparatively free from persecution. He was simply left so destitute of the commonest necessaries, that it was barely possible for him to keep body and soul together. Often his only food was two pennyworth of bread, provided sometimes from the county rates, sometimes from bequests for the relief of poor prisoners, sometimes from casual charity. If he could have got his due from these sources he might have fared tolerably; but the gaoler, besides "farming" (an euphemism for appropriating about half of) the prison rations, taxed the proceeds of bequests (which had to pass through his hands), took his per centage on chance alms, and even sold the privilege of begging; and for this privilege—the privilege of thrusting lank clutching fingers, or, may be, wooden spoons through the bars of the grated door, or of standing outside, chained by one leg to the wall, or of roaming through the county at Christmas time in fettered gangs, begging or pilfering,—there was eager competition; for without the help of chance charity to eke out his scanty allowance, the common side prisoner ran no little risk of starving. Even for water, if the prison pump was out of reach, he was dependent on the niggard mercies of the turnkey; three pints a day, for every purpose, was the common supply, if he wanted more he must pay for it.[1] Bedding he had none, except a little filthy straw, and not always that, as it was provided at the expense of the gaoler. Still, the common side prisoner was often better off than his fellow on the master's side. Though he was half-starved and miserably lodged; though he had to share his stinking sleeping cell with companions as foul as himself, with creeping swarms of vermin and with colonies of rats; though his only gleams of indulgence were when accumulations of garnish or some windfall of money furnished funds for a drunken debauch, still, as he was penniless, he was free from active persecution; while the prisoner on the master's side was cozened,

1 "The poore men . . . were glad to buy [of the keeper] the liuers of bullocks, which hee begged of butchers for a dog that hee kept, and to pay a halfe-penny for a quart of water." — MYNSHUL'S *Essayes*.

worried, and sometimes tortured, in the hope of wringing money from him. A prisoner who was able and willing to spend money, who was not so squeamish as to sicken at filth, ribaldry, and lechery, whose health could withstand the insidious sapping of the pestiferous atmosphere, might generally live a life of coarse jollity in prison. But one who had money, and loved it better than his personal comforts, was marked out for the cruel ingenuity of the keeper and his turnkeys. The commonest device was the choice of irons.[1] The gaoler had a nicely graduated stock of irons, from ponderous chains of cruel tightness for stingy criminals, up to slender fetters of delicate lightness for such as chose to spend their money freely,—nay, even absolute immunity was on sale; and when gentler methods failed, disgusting and horrible tortures, thumbscrews, underground dungeons, and chainings to dead bodies, were occasionally employed.

Nor were these the only evils which arose from the system that gave the gaoler a vested interest in his prison and prisoners. He had every inducement to stint his expenditure on their behalf to the utmost. He had to pay window-tax for the Gaol, and therefore he blocked up every window that was not absolutely necessary. He had to bear the cost of cleansing the building, and therefore the accumulations of filth lay putrifying for weeks and months. The tenant himself of the sheriff or the county, generally at a high rent, he was practically free to sublet the prison wards as he pleased, so long as he found room for all prisoners committed to his care. It was no uncommon thing, therefore, for the prisoners to be crammed into the smaller rooms —crammed so close, that many were forced to lie on shelves and in hammocks, for want of sleeping room on the floor—while the largest and airiest ward was let to some tailor or shoemaker for a workshop. The keeper, moreover, was not bound to keep the Gaol in repair, though he was bound, under heavy penalties, to produce his prisoners when called for. The weight and cruelty of the fetters, therefore, varied directly as the insecurity of the

[1] Yet the doctrine, that it was illegal to iron prisoners, even for safe custody, was older than the Statute Book. Bracton expressly says that fetters and such things are forbidden by law; and the doctrine had again and again been reiterated by authority.

prison; for the niggard magistracy found it their cheapest plan to let the Gaol go to ruin, and hold the gaoler strictly to his responsibilities; and the gaoler found it his cheapest plan to iron his prisoners so heavily as to render escape impossible.[1]

But whether ruinous or not, most prison buildings, a century ago, were utterly unfit for the purposes of confinement. Even in the modern Gaols security was the only thing provided for; no care was taken for fresh air, dryness, light, and water. The Gaols of earlier date were, for the most part, old feudal prisons, gate-houses, underground cells or back rooms in town halls, and not seldom, old disused chapels. The filth and squalor of these places was indescribable. Howard, in his first journeys of inspection, was obliged to travel on horseback; for "his cloaths were so offensive, that in a post-chaise he could not bear the windows drawn up. The leaves of his memorandum book were often so tainted, that he could not use it till after spreading it an hour or two before the fire; and even his antidote, a vial of vinegar, after using it in a few prisons, became intolerably disagreeable." "The sallow, meagre countenances," he says, "of most prisoners will declare, without words, that they are very miserable: many who went into prison healthy, are in a few months changed into emaciated, dejected objects. Some are seen pining under diseases, *sick and in prison*; expiring on the floors in loathsome cells, of pestilential fevers and confluent small-pox." The detailed accounts which he gives of particular prisons more than corroborate this general description. At Knaresborough, for instance, the prison "for town debtors was under the hall; of difficult access; the door about four feet from the ground. Only one room, about fourteen feet by twelve. Earth floor; no fire-place; very offensive; a common sewer from the town running through it uncovered. I was informed that an officer, confined here some years since, for only a few days, took in with him a dog to defend him from vermin; but the dog was soon destroyed,

[1] In the year 1783, the night-room in Gloucester Gaol was insecure. A great chain, therefore, was padlocked by one end to the wall, passed through the centre link of each prisoner's fetters, and then padlocked to the opposite wall. When Sir G. O. Paul brought this fact to the notice of the grand jury, forty prisoners were thus threaded every night. Fourteen of the forty were subsequently dismissed by proclamation as innocent men.

and the prisoner's face much disfigured by them." In Plymouth town Gaol there were "two rooms for felons, and a large room above for debtors. One of the former, the Clink, seventeen feet by eight, about five feet and a half high, with a wicket in the door, seven inches by five, to admit light and air. To this, as I was informed, three men, who were confined near two months, under sentence of transportation, came by turns for breath. The door had not been opened for five weeks, when I with difficulty entered to see a pale inhabitant. He had been there ten weeks under sentence of transportation, and said he had much rather have been hanged than confined in that noisome cell. No yard, no water, no sewer, no straw."

The sickness and mortality resulting from this horrible inhumanity was fearful. Gaol-fever was a common inmate of every prison, and small-pox a frequent visitant. Few prisons possessed an infirmary, and where there was one, it was commonly devoid of all the necessary appliances and comforts. Surgeons were sometimes appointed, but they frequently bargained for exemption from attending gaol-fever patients. A hundred years ago, people shuddered at the words "gaol-fever;" for Gaols were nurseries of plague as well as of crime. The prisoners themselves were more than decimated by the distemper; it was the terror of turnkeys and keepers. Often weeks passed before either the gaoler or his underlings could muster courage to go into the dungeons, or worst rooms. The prisoner's food was thrust through a grate, or let down by a trap-door into their den; but even thus the turnkeys often caught the infection and died. The keepers of some prisons never ventured within side the walls from year's end to year's end, while the sheriffs and magistrates never entered them at all. "I was informed," says Howard caustically, in more than one instance, "that the magistrates had this year inspected the *outside* of this prison." But the distemper throve outside as well as inside. The friends and neighbours of returned convicts were smitten with the plague: regiments were ravaged, and ships laid up by it; for the gaol door was a favourite post for the recruiting officer; he could pick up food for powder there at a cheap rate—cheap, that is, in the first instance, but in the long run the fever-reeking felon

proved a dear bargain.[1] Batches of criminals on their way to the assizes spread the infection among the passengers in the streets. Notorious cases are recorded in which judges, jury, sheriffs, magistrates, and hundreds besides, died of the fever caught from the reeking prisoners at the bar.[2] And then would come a niggard display of selfish pity. The fatal prison would be lime-washed and cleansed, and the prisoners for a time well fed and clothed. Gaol-fever was in old times the most active gaol-reformer.

The moral degradation of prisoners tallied with their physical misery. Chapels and chaplains were seldom part of the prison establishment. Some loose parson, of insolvent tendencies, was commonly hired, at a cheap rate, for the office of ordinary. On a week day he was ready to crack a bottle, or shuffle a pack with his flock; on a Sunday he mumbled a service and sermon to them in one of the day rooms. His congregation was a thin one, for attendance was easily evaded. But religious teaching in Gaols was mere casting of pearls before swine; the drunkenness and promiscuous intercourse among the prisoners would have thwarted the most zealous chaplain. A prison was a forcing hot-bed of lust. Even at night time men and women were sometimes huddled together in the same room. It was, indeed, the general rule to separate them entirely; but the venal gaolers and turnkeys traded on their prisoners' lusts, and sold the privilege of keeping company to all who could purchase it. They shared themselves in the common profligacy, and practically forced the unfortunate debtor into it. For though the law[3] strictly enjoined the separation of debtors and felons, in most prisons they were placed together. But this picture of a prison interior must be left unfinished. With lewd, brutal, and venal turnkeys, with unrestrained association between old and young offenders, with vile intercourse between the sexes, systematically

[1] "A regiment raised, on the spur of the occasion for West Indian service, and which had been plentifully recruited from the various prisons, embarked 700 men; the gaol-fever spread itself through the embarkation, and raged with such fatal effects, that the regiment arrived at its destination with only 40 men."—(Sir G. O. Paul, in 1783.)

[2] The pestiferous effluvia that exhaled from the poor wretch in the dock, or on the gallows-cart, gave rise to the custom of supplying nosegays to judges at assizes, and ordinaries at executions.

[3] 22 and 23 Car. II. c. 20.

permitted or connived at, with unlimited supplies of beer and spirits, with easy ingress allowed to the lowest scoundrels of the neighbourhood, and with a gaoler at the head of the establishment, living and thriving on its debauchery—the demoralization that resulted was too gross for description.

One more incident, however, may be painted into this picture. Gaols and Bridewells were the only receptacles for pauper lunatics. In most prisons a crazy Jane or silly Willy, given over to make sport for the saner brutes, was a common spectacle. Occasionally a furious, homicidal maniac was locked in with the other prisoners, and, in spite of riots and remonstrances, forced into their company, until, perhaps, he committed some ghastly murder to demonstrate the necessity for his removal.

And once committed to Gaol, the prisoner, if a poor man, whether innocent or not, was almost certainly ruined. If acquitted, if the grand jury cut the bill against him, unless he could pay their perquisites to the clerks of assize, clerks of the peace, &c., he might go back to rot in Gaol. Moreover, by reason of the infrequency of gaol-deliveries, he might rot there for months before the boon of a trial was granted him. Twice a year was the law;[1] once a year the common practice; once in three years a frequent exception; once in seven years an occasional anomaly. "At Hull," writes Howard, "they used to have the assize but once in seven years. Peacock, a murderer, was in prison there near three years: before his trial the principal witness died, and the criminal was acquitted."

The case of the debtor was often harder than that of the criminal. "The law of the land," wrote Fielding in 1748, "is, that whoever owes another 10*l.*, or indeed 2*l.*, may be, on the oath of that person, immediately taken up and carried from his own house and family, and kept abroad till he is made to owe 50*l.*, whether he will or no; for which he is, perhaps, afterwards obliged to lie in Gaol: and all these without any trial had, or any other evidence of the debt than the above-said oath, which if untrue, as often happens, you have no remedy against the

[1] *I.e.* in most counties; but only once in the four northern counties, and eight times in London and Middlesex.

perjurer; he was, forsooth, mistaken." The luckless debtor was first taken by the bailiff to his spunging-house (this was an illegal proceeding, but as redress was expensive the law was openly violated), and not until he had undergone a close preliminary fleecing was he transferred to the Gaol. There he paid garnish, fees, and rent on nearly the same scale as the felon. In respect of food he fared much worse. The county allowed the felon a scanty ration of bread at any rate: but the law required the creditor to support the debtor at the rate of fourpence a day.[1] The process, however, of suing for this aliment-money was so costly that the law in nine cases out of ten was useless. The debtor therefore lived on his friends, or on chance charity, or else he starved.

Of course the degree of wretchedness varied in different prisons. In a few exceptional Gaols some care and mercy were shown in the treatment of prisoners. But the exceptions were rare. Once in prison a man was out of the pale of humanity. To prevent him from escaping, save him from actual starvation, and produce him when called for, constituted, in their own eyes, the whole duty of the prison officials.

At the beginning of the last century there were three classes of prisons,—common Gaols, franchise Gaols, and Houses of Correction. The common Gaol was under the authority and in the custody of the sheriff. The sheriff's office and the sheriff's prison are older than the oldest statute laws; and statutes as ancient as the reign of Edward III. declare and confirm the sheriff's already existing authority over the common Gaol. For a long time the sheriff's prison was the only legal place of commitment acknowledged by the common law; and we find the judges and other great law officers constantly warning magistrates of the illegality of committing to any other. For there were other prisons nearly, if not quite, as old as common Gaols. An act in the reign of Henry IV.[2] which ordains "that none be imprisoned by any justice of the peace, but only in the common Gaol," "saves, to lords and others which have Gaols, their franchises." By virtue of royal charters or immemorial

[1] 32 Geor. II. c. 28. The fourpence was afterwards raised to sixpence.
[2] 5 Hen. IV. c. 10.

usages, various lords of manors, bishops, deans and chapters, municipal corporations, &c., were vested with lordship over certain franchises, or privileged jurisdictions. Few of these franchises exist now,[1] but in Howard's time they were more numerous. The lord of the franchise had not only the power of imprisonment in his own Gaol, but in some instances of life and death also. Two hundred years ago the latter power was still occasionally exercised.[2] Howard generally found the franchise prisons in an execrable state. They could claim no county allowance of food: it was an open question whether acts of Parliament could reach them; they were liable to be forgotten at the time of gaol-deliveries; they never received the benefit of inspection, for practically, at any rate, they were beyond the jurisdiction of judges, sheriffs, and justices. In fact, these prisons were private property, and, what is stranger still, many common Gaols were so likewise; a very anomalous fact, considering that, by the law of the land, no prison could be built without the authority of Parliament, and that when built it became the property of the Crown.

The Bridewells, or Houses of Correction, formed the third class of prisons. The first Bridewell was originally a royal palace that stood near the entrance of Blackfriars Bridge, close by a spring called S. Bridget's (S. Bride's) Well, from which the name was derived. It was fitted up in great magnificence for the Emperor Charles V. when he came to visit Henry VIII., and for a few years afterwards the King used it as a royal residence; but after his divorce from Catherine it was suffered to fall into disuse and decay. Shortly before his death Edward VI. on the petition of Bishop Ridley, endowed the old palace and gave it to the City of London as a lodging-house for poor travellers and "wayfaring people; likewise for the correction of vagabonds, harlots, and idle persons, and for finding them work." The "Bridewell Hospital," as it was called, seems to

[1] That is, of course, exclusive of borough and similar jurisdictions.

[2] "In this Town [Halifax] formerly the Barons (as in many other places) and after them various Proprietors had power of life and death. The method of execution was decollation by an axe in an engine [a guillotine, in fact]. The axe is preserved in the Gaol to this day. Two men in 1650 were the last who suffered by it."—HOWARD'S *State of Prisons*.

have been the first, and for many years the only, example of a House of Correction. An act[1] of Elizabeth brought this kind of prison into more general use, and put them under the control of the magistrates.

Since the Reformation pauperism and vagabondage had become rampant and importunate; and now that there were no monasteries to throw a sop to the open-mouthed evil, its ravening began to alarm the public. The old substitute for a poor law was very simple. Counties were divided into districts, and licences given to "poor, aged, and impotent persons to beg within certain precincts:" beggars caught out of bounds were whipped at the cart-tail "till the body was bloody," or else put in the stocks for three days and nights and then sent home.[2] But this law was powerless to restrain the plague of beggars in Elizabeth's time; indeed, during her brother's, and the later part of her father's reign, more stringent measures were required.[3] Accordingly one of her earliest Parliaments passed—in spite of the vigorous opposition of a member named Sandys—a savage act,[4] ordering "Vagabonds above the Age of Fourteen Years to be grievously whipped and burned through the Gristle of the right Ear with a hot Iron of the compass of an Inch," unless some "credible Person" would hire them for a year; while relapsed vagabonds above the age of eighteen, unless they could find a hirer for two years, were to be hung out of hand. Under this act three or four hundred mendicants were sent to the gallows; but as the people and magistrates soon sickened of these wholesale executions, the law fell into disuse, and after a few years was repealed. Milder measures were then tried; the stocks, whipping, "gaoling," and—when the Gaols became dangerously crowded—Houses of Correction. Originally they

[1] 18 Eliz. c. 3. This was followed up by 39 Eliz. c. 3, enjoining on justices, and 39 Eliz. c. 4, permitting private persons, to erect Houses of Correction. But both injunction and permission were so generally neglected that 7 Jas. I. c. 4, became necessary to enforce the acts of Elizabeth. From this later act the origin of Bridewells may, in fact, be dated: it made Elizabeth's later act perpetual.

[2] 11 Hen. VII. c. 2, and 22 Hen. VII. c. 12.

[3] 27 Hen. VIII. c. 25, and 1 Ed. VI. c. 13. The latter was awfully ferocious: idleness and vagabondage were to be punished by branding a V on the breast and two years' slavery, for the first offence; by branding an S on the face and perpetual slavery, for the second; by hanging, for the third. It was repealed after two years.

[4] 14 Eliz. c. 5.

were workhouses rather than prisons, intended to inflict, not punishment, but compulsory labour on "rogues, vagabonds, sturdy beggars and other idle and disorderly persons." Accordingly the magistrates were required to provide "mills, turns, cards and such-like instruments for setting idle people to work." The new Houses seem to have been at first decidedly efficacious: "Upon the making of the Statute for their Erection," says Sir E. Coke, with probably wilful exaggeration, "and for a good space after, whilst Justices of the Peace and other Officers were diligent and industrious, there was not a Rogue to be seen in any Part of England, but when Justices and other Officers became *tepidi*, or *trepidi*, Rogues, &c. swarmed again. . . . Few or none are committed to the Common Gaol amongst so many Malefactors, but they come out worse than they went in; and few are committed to the House of Correction, or Working House, but they come out better. . . . We hope that the Justices of the Peace will erect more Houses of Correction, so as we shall have neither Beggar (as the Law of God commandeth) nor idle Person in the Common Wealth."[1] However, as Fielding says, "he was a much better Lawyer than he was a Prophet; for whatever these Houses were designed to be, or whatever they were at first, the Fact is, that they afterwards became in general, no other than Schools of Vice, Seminaries of Idleness, and Common Shores of Nastiness and Disease."[2]

Such Howard found them: they contained as much moral abomination as the Gaol, and more physical misery. The vagabonds in the Bridewell had no allowance of food from the county-rate, while as early as Elizabeth's reign the common Gaol prisoners had acquired a legal right to sustenance. In earlier times they had depended, like the poor generally, on charity,—on doles dealt out by the monasteries, on offerings gathered in churches, and on alms collected (under the authority of certain statutes) from door to door. The germ of the poor laws appears in an act which empowered justices at Quarter Sessions to assess niggards.[3] A subsequent act[4] developed

[1] 2 Institute, 729, 734.
[2] Increase of Robbers, pp. 62-3.
[3] 5 Eliz. c. 3.
[4] 14 Eliz. c. 5. A similar power was given to borough magistrates by 15 Geo. II. c. 2.

these enforced alms into a regular rate, and a clause was introduced which required justices to tax every parish within their shires for the relief of poor prisoners in the common Gaol. The provision, however, made under this act proved insufficient: prisoners frequently died of sheer starvation, and accordingly in Charles II.'s reign, Parliament passed a bill "for setting poor prisoners on work."[1] It was intended by this act not to inflict punishment, but to confer a boon—to give the starving felon the privilege of ekeing out his meagre rations by his own earnings. However, as the materials for work were rarely provided, this privilege, in actual practice, was worth very little; and even in Gaols the only prisoners whom it was illegal to starve were convicts sentenced at the Assizes to transportation; for these were entitled to the "sheriff's cravings," or "king's allowance,"—a payment from the Court of Exchequer of half-a-crown a week per head.[2] Transports, however, rarely obtained this aliment, for few sheriffs knew how to apply for it. But in the House of Correction no food was provided: the sturdy beggar was to earn his livelihood as well as mend his morals by "hard labour."[3] Nevertheless, in Howard's time, though the prisoner was sentenced to hard labour—though the keeper was liable to heavy penalties for not setting him to hard labour—yet there was hardly a Bridewell in England in which the necessary materials were provided. The poor wretch barely existed on chance alms, or else starved outright. An act[4] early in the reign of George I. made the House of Correction more strictly a prison. To relieve the common Gaols which were crowded to excess, when it became necessary to pass an act to revive and renew the expiring statutes[5] relating to prisons, a clause was introduced, empowering county magistrates to commit to the House of Correction "vagrants and other criminals, offenders, and persons charged with small offences, or for want of sureties." In the reign of George III. this power was defined more

[1] 19 Car. II. c. 4.

[2] Quarter Sessions' transports had not the same privilege.

[3] See especially 7 Jas. I. c. 4, s. 4.

[4] 6 Geo. I. c. 19.

[5] It is well known that such acts were seldom made perpetual: from traditional jealousy of the executive, or distrust of its own wisdom, Parliament was generally content with provisional and experimental legislation.

clearly and extended farther. More recent enactments (as will presently be shown) have so enlarged the use of Bridewells that the distinction between them and Gaols is now almost obliterated.

Before the commencement of the eighteenth century, no serious attempt had been made to put down the abuses in Gaols. Acts of Parliament were abortive, and the public ignorant and careless about their condition. Occasionally private individuals essayed partial reformations. Latimer, in his hot-hearted fashion, lifted up his voice against the unchecked heathenism in the London prisons. "Oh, I would ye would resort to prisons!" he says, in a sermon preached before Edward VI., "a commendable thing in a Christian realm. I would there were curates of prisons, that we might say, 'The curate of Newgate, the curate of the Fleet;' and I would have them waged for their labour. It is holiday work to visit the prisoners, for they be kept from sermons." Foxe, in his Book of Martyrs, often glances sharply at the iniquities practised, and the miseries endured, in prisons in the time of Queen Mary. In Elizabeth's reign, Bernard Gilpin regularly visited all Gaols that fell within the range of his missionary circuits in the northern counties. In the reign of James I. appeared (1618), under the title, "Essayes and Characters of a Prison and Prisoners," what was probably the first treatise printed in England on prison abominations. Written by an insolvent barrister, "Geffray Mynshul, of Graye's-Inn Gent.," as a lugubrious pastime during his own imprisonment in the King's Bench Prison, it consists of a quaint jeremiad, curiously bedizened with queer metaphors and classical scraps on the cruelty of creditors, the misery of debtors, and the brutality of gaolers. In his description of a prison as a school for villany, a sink of debauchery, a pest-house, and a place where the penniless might starve to death—in his catalogue of malpractices, strippings for garnish, carousings at the tap, squeezings for fees, &c., he completely anticipates the revelations of Howard. On the "Characters of Jaylors," he expatiates with grotesque fury:—"If marble-hearted jaylors were so haplesse happy as to be mistaken and be made kings, they would, instead of iron to their grates, haue barres made of men's ribbes, Death should

stand at door for porter, and the diuell every night come gingling of keyes, and rapping at doors to lock men vp."

The complaints of Mynshul are reiterated with a curious sameness in "A Humble Remonstrance of many thousand poore Prisoners, presented to the consideration of the High Court of Parliament," in 1643. "Such is the insufferable condition of our thraldome," say the petitioners, "that if a cunning painter were to delineate a locall hell, he need goe no further for a lively president than to one of these divellish prisons, which so aptly resemble it in all its attributes." Cromwell's Conventions threw some crumbs of pity to the helpless wretches in Gaols, but the first time that Parliament showed grace or mercy to prisoners, in any degree worthy of notice, was in the year 1667, and it was a half-selfish motive which then aroused their compassion. The memory of the Great Plague was still fresh in men's minds, and sanitary measures to ward off a second visitation were eagerly demanded. The frequency with which gaol-fever spread from its legal victims to judges, justices, jurors, and persons of less importance, was called to mind, and an act[1] was passed, authorising sheriffs promptly to remove the inmates of any Gaol in which it appeared. The act even went a step farther, and, acknowledging the iniquity of leaving helpless rogues to starve, or else, "by living idly and unemployed, to become debauched, and come forth instructed in Thievery and Lewdness," strictly enjoined on all justices "to provide a stock of materials for setting poor prisoners on work." Three years later, Parliament, still influenced by fear of "pestilence and contagious diseases," took pity on the thousands of debtors, who in numbers greatly swelled by the "unhappy times," and by losses in the great fire, thronged the London prisons. To lessen the "noisomeness inseparably incident to the extream poverty" of their condition, a bill[2] was introduced for their relief. It was chiefly aimed at spunging-house extortions, the exaction of illegal fees, the embezzlement of legacies and gifts, and the practice of herding debtors and felons promiscuously together. It does not appear, however, that the condition of prisoners was much bettered either by the Poor Prisoners Act, or the Un-

[1] 19 Car. II. c. 4. [2] 22 and Car. II. c. 2.

happy Times Act. A pamphlet, entitled "Cry of the Oppressed," written shortly after the revolution, by Moses Pitt, a prisoner in the Fleet, gives a disgusting account of the then state of Gaols; and a few years later, poor Ludovick Muggleton, in a tract, called "Prison Sighes," raised a doleful echo of the same tale.

If these acts present a striking picture of the miseries suffered, another in William III.'s reign describes with equal force the villanies practised in Gaols. The thieves' prisons were depots and marts for stolen goods: for the gaolers and understrappers, finding that receiving and swindling paid better than starving and fleecing, regularly entered into partnership with their rogues for joint depredations on the public. Swift, in his back-slum idyl "Morning," alluded to a notorious practice in the couplet:—

> "The turnkey now his flock returning sees,
> Duly let out a-nights to steal for fees."

In the debtors' prisons a fraudulent rascal with a long purse found a comfortable sanctuary where he could laugh at his creditors and live in jollity and lust; when he was tired of confinement, the obsequious keeper was only too happy to sell permission to escape. Parliament was at last forced to notice these abuses; and in the winter of 1696, the House of Commons, at the instance of a member, named Pocklington, nominated a committee of inquiry. The report of the committee, which dwells mainly on the extortion and fraud practised in the Fleet—judges and turnkeys were alike implicated in the iniquities disclosed—gave rise to some state prosecutions; and in the act which was passed the following year to abolish the ancient privileges of the thieves' pandemonium in Whitefriars, clauses were inserted to suppress the worst malpractices in Gaols. The right, for instance, was given to the creditor of entering the prison to ascertain with his own eyes whether his debtor was in safe custody; and most severe penalties were laid on gaolers who connived at the escape of prisoners. The act, however, was more successful[1] in routing the Alsatians from their various dens than in preventing the knavery of gaolers.

[1] Macaulay's History, vol. vii. 408.

Except the Alsatia Act, and an act to promote gaol-building, no important addition to prison-laws was made either in this, or the two following reigns. One note-worthy attempt, however, to effect a reform occurred in the interval.[1] Soon after the formation of the "Christian Knowledge Society" (1699), Bishop Compton drew the attention of its promoters to the rampant abominations in London Gaols, and "a Committee of Prisons" was accordingly appointed. Accompanied by pious Mr. Bœhm, Chaplain to Prince George of Denmark, who previously had been a weekly visitant to the city Gaols, the committee inspected Newgate, (and afterwards the Marshalsea,) visited the prisoners in their cells, "thought fit to distribute some money among them," and reported the results of their investigation to the Society. The head of the committee, Dr. Thomas Bray, the Society's founder, followed up the report by an "Essay towards ye reformation of Newgate and the other prisons in and about London,"[2] a document which still exists in the archives of the Society. It gives a pithy description of the loathsome immorality prevalent in Gaols, and, in a series of shrewd practical suggestions, anticipates many of the modern improvements, and even boldly recommends that "provision be made to keep every prisoner in distinct cells." The committee pledged themselves in their report to visit the prisons again; how far they redeemed their pledge, and what came of their labours beyond the distribution of religious books in the London prisons, the despatch of a packet to every county Gaol, and the gift of a chaplain and pulpit to the Marshalsea, is not recorded. The continuance of their exertions for some years is shown by a minute in the Society's books as late as 1710, which contains a proposal from the committee to procure an act for providing solitary cells at any rate for criminals condemned to die. The attempt to bring in such a bill, if ever made, was unsuccessful. Whatever reform was effected by the Society could not have been very important or permanent; their exertions were little known at the time, and soon forgotten. Howard, although a diligent collector of

[1] Secretan's Life of Robert Nelson, p. 102. Field's Prison Discipline, vol. i. pp. 4, and 119.

[2] This Essay is printed in Chapter I. of Hepworth Dixon's "Life of Howard."

information concerning Gaols, apparently never heard of their labours. The whole subject died out of recollection, and prisoners rotted and rioted, unheeded and unhindered, till, on the 25th of February, 1728, the House of Commons appointed a committee "to inquire into the state of Gaols in this kingdom."[1]

The juncture was favourable to the inquiry. The excitement consequent on the accession of George II. had subsided, there was a lull in Parliament, and a general dearth of novelties both at home and abroad. For a time, therefore, the revelations of the Gaol-committee were the talk of the town. Parliament took up the investigation warmly; the Irish House of Commons was infected with its zeal, and appointed a similar committee to explore the Gaols of Dublin; the news-writers and pamphleteers expatiated on the subject, and Hogarth helped to rouse the public wrath by an indignant picture and engraving. The originator of the inquiry was General (then Mr.) Oglethorpe, a man not unknown to the readers of Boswell's Life of Johnson, and Southey's of Wesley. He was at this time a Member of Parliament, the possessor already of no little celebrity, won under Prince Eugene in the Turkish wars, though his grand scheme for founding a colony in Georgia was yet in embryo. In the interval between his German and his Georgian exploits he appears as one of the earliest prison-reformers in England. An insolvent architect, named Castell, a friend of Oglethorpe, had been committed to the Fleet for debt. As long as he submitted to the extortions of Bambridge, the warden, he was allowed the liberty of the Fleet;[2] but at last his purse and his patience

[1] The Journals of the House of Commons at this period are full of petitions from poor debtors, praying to be relieved from the disease, starvation, and death, to which they were condemned in their filthy prisons. These petitions seem to have been treated as matters of course, and rarely excited discussion.

[2] The "rules" or "liberty" of a prison was a certain space outside the walls, within which a debtor was held to be in the custody of the keeper, who was still responsible for his appearance. A debtor wealthy enough to purchase the "liberty," only suffered a nominal imprisonment. At the Marshalsea, "liberty tickets," which conferred on the purchaser a short leave of absence, were at one time on sale. Shortly before the suppression of the Marshalsea, the sale produced nearly 3,000*l.* a year. "Rules" were first allowed to some of the London prisons on account of their crowded state: a few provincial Gaols afterwards acquired the same privilege. In the time of Chief Justice Prat, the Court of King's Bench claimed the right of extending their rules in such manner as they should think fit. "If this be law," is the comment of the Gaol-committee, "all England may be made

were both exhausted, and he refused to pay any more "fees." Bambridge, however, was not a man to be trifled with; he forced the recalcitrant debtor into a spunging-house near the Fleet (kept by one of his creatures), where the small-pox was raging. Castell protested, prophesying that he was certain to die of the distemper, and within a few days fulfilled his prediction. Oglethorpe instantly brought the matter before the House, and the appointment of the Gaol-committee was the result.

The committee began their labours at the Fleet, and Bambridge, a bold, truculent bully, had the audacity to try to burke the inquiry in its infancy. On the first day of the investigation Sir William Rich, a broken-down baronet who had fallen into his clutches, gave damning evidence against him. To deter the other prisoners from following his example, Bambridge loaded him with chains, and thrust him into one of his filthiest dungeons. On hearing this, however, the indignant committee ordered his arrest by the sergeant-at-arms, and proceeded on the inquiry with keener zest. They soon discovered such a congeries of villanies—peculation, robbery, connivance at escape, illegal ironings and disgusting torture—that they hastened to lay their report before the House. The reading of it produced such an outburst of astonishment and execration, that the Commons instantly ordered "all the warders, tipstaffs, and officers" into custody, and carried a strong address to the Crown, praying for a public prosecution.

The committee next inspected the Marshalsea, where they found even worse abominations than in the Fleet. The deputy-marshal had leased his office to a butcher, named Acton, a grosser brute even than Bambridge, and abetted by a crew of subordinates as atrocious as himself. Except a few pirates, none but debtors were confined in the prison, and as they belonged to a poorer class than those in the Fleet, there was more starvation and disease among them. Acton had swindled them out of all their benefactions, amounting (on his own confession) to

one extended prison." In fact, something like this was ultimately the case. A story is told, for instance, of a sheriff's officer finding a man boating at Cowes, whom he had carried to prison only a few days before. It is even said that a learned judge once gravely doubted whether the rules of the King's Bench might not extend to Bombay. (See Hepworth Dixon's "London Prisons," pp. 114, 115.)

115*l.* a year, a sum sufficient to have provided them with bread, at least. The committee found both men and women lying, at the point of death, on the bare filthy flags; to ten of them their succour came too late, and they died in spite of all efforts to recover them. The description given of the mortality in this prison is almost incredible:—"A day seldom passed without a death, and upon the advancing of the spring, not less than eight or ten usually died every twenty-four hours." The report concludes with a statement still more horrible:—"Besides the various tortures and cruelties before mentioned, they have made a practice of locking up debtors who displeased them in the yard with human carcases. One particular instance of this sort of inhumanity was a person whom the keepers confined in that part of the lower yard which was separated from the rest, while there were there two dead bodies which had lain there for days, yet was he kept there with them six days longer, in which time the vermin devoured the flesh from their faces, eat the eyes out of the heads of the carcases, which were bloated, putrified, and turned green during the poor debtor's dismal confinement with them."[1]

Nearly a year elapsed before the committee resumed their researches. They then inspected the King's Bench Prison; but the officials had made good use of their ample warning, and corrected the worst abuses; they were not therefore convicted of cruelty, only of gross robbery and embezzlement. The fee-simple of the marshal's office had been given by James I. to a certain Sir William Smith, and his heirs. After many changes in the ownership, by inheritance and sale, it became the property of a gentleman named Lenthall, who mortgaged the profits for 10,000*l.* At the time of the investigation, the office was in the

[1] The report on the Marshalsea gives a curious picture of a debtors' prison. The prisoners had their own money-chest, steward, and seal. The steward affixed the seal to begging-warrants, which authorised the holder to collect alms for the common good, and also to all receipts for benefactions, &c.; no receipt was legal without it. Acton seized the seal and appointed himself steward; whereupon the prisoners had another seal made, but the scoundrel outwitted them notwithstanding. Charitable persons often visited the prisons to set free debtors confined for small sums. Acton kept a choice assortment of mock debtors, whom he presented on such occasions, duly furnished with schedules of fictitious debts. When the money was paid, he appropriated the whole, and gave his tools, by way of payment, a carouse at the prison-tap.

hands of the mortgagees, a pack of arrant scoundrels, though some of them were men of high rank. They had established an elaborate system for fleecing both creditors and debtors, in spite of the Alsatia Act. Keeping in the back-ground themselves, they entrusted the ostensible management to a set of sham trustees (one fellow nominated his own flunkey), who, in their turn, let the office to, and laid the responsibility on, a sham warden.[1] The system was this: a debtor, on paying a suitable fee, was suffered to escape; if the creditor brought an action against the marshal, he submitted to be cast for damages, became his own prisoner, and then resigned his office, stipulating with his successor for permission to abscond with his share of the booty. Every officer of the court, up to the Lord Chief Justice himself, was regularly fee'd to remain in convenient ignorance of these iniquitous practices. When Raymond, however, was appointed Lord Chief Justice (1725), he so strenuously discountenanced the corruption of the court, and displayed such readiness to hear and redress complaints, that the mortgagees took alarm, and abandoned their most barefaced devices; consequently, when the management of the prison came under the scrutiny of the committee, the authorities passed through the ordeal with comparative impunity.

With the inspection of this prison the labours of the committee ceased; perhaps this last inquiry would not have been undertaken but for the strong pressure of public opinion. Some of the members had displayed a suspicious disinclination for the business; secret influences, apparently, were employed to smother the inquiry; probably further explorations would have implicated scoundrels of higher rank in the danger and disgrace. At any rate, the committee sunk into oblivion and non-existence.

But the ferment out of doors, and the activity of the press still continued. Thomson, bringing out a collected edition of "The

[1] In the year 1730, they let the office to one R. Mullens. Although his legal fees only amounted annually to 350*l.*, out of which he had heavy sums to pay, yet he gave 750*l.* a year for his place. In 1754, Oglethorpe, after his return from America, procured a second committee on the King's Bench Prison, which resulted in an act to reinvest the office of marshal in the crown, and to rebuild the prison.

Seasons," in May, 1730, foisted in a compliment to the Gaol-committee, clenched with an exhortation to new exertions:—

> "Ye sons of mercy! yet resume the search,
> Drag forth the legal monsters into light:
> Wrench from their hands oppression's iron rod,
> And make the cruel feel the pangs they give."

The crown prosecutions, therefore, which otherwise probably would have been dropped, were commenced. First Huggins and Barnes, the late warden and deputy-warden of the Fleet, were tried for the murder of one Arne, who had died in consequence of being locked up naked for forty days, "in a cold, damp, unwholesome cell over the common sewer." The superior ruffian, however, (he was an "Esquire,") was acquitted; and though Barnes was found guilty, the verdict was an empty form, for he had fled from justice.

Huggins had procured a lease of the wardenship for his own and his son's life by the interest of Lord Clarendon, for which interest he paid 5,000*l.* "Growing in years, and willing to retire from business, and his son not caring to take on him so troublesome an office," (he preferred writing a bad translation of Ariosto, and collecting pictures at his seat, Headly Park, Hants;) he sold the residue of his lease for 5,000*l.* to Bambridge and another. In the first outburst of indignation, the House of Commons passed a bill depriving Bambridge of his office, and the Attorney-General instituted a prosecution against him. He was tried at the Old Bailey for the murder of Castell, and acquitted, owing to the absence of a witness; but as there were other charges against him, he was detained in Newgate. At the next sessions Castell's widow, supported by strong popular feeling, and large contributions in money, by suing out an appeal of murder, under the old wager-of-battle statute, brought him to trial again. He was again acquitted. Both he and Huggins (and Acton, too, who was likewise tried for murder and robbery) owed their escape to the favour of the judges, Raymond and Page, whose directions to the jury smack suspiciously of underhand influence. Some years later Bambridge himself, by cutting his throat, showed a juster appreciation of his own deserts.

A few days before the appointment of the Gaol-committee by

the Commons, Lords Strafford and Townshend had procured a similar committee of the Upper House, to inquire into the treatment of imprisoned debtors. When the report was presented the judges were directed to prepare "an act for the relief of debtors, with respect to the imprisonment of their persons." On the ground, however, that it was not their business to draw bills, they refused the task, and as a series of other obstacles arose, nearly two years elapsed before the act was obtained.[1] It was nothing more than an enlarged version of the Unhappy Times Act, with a new assortment of precautions against evasion. To prevent the extortion of gaolers, the proper authorities were required to draw up "Tables of Fees," and enforce their conspicuous exhibition in every prison; to suppress their swindling monopolies and exorbitant tariffs, the right of sending out for food and necessaries was given to prisoners; and to prevent their embezzlement of gifts and bequests, new checks were invented.[2] The legality (though not by any means the actuality) of the spunging-house system was again abolished; the support of the debtor was made a charge on the creditor at the rate of fourpence a day; and considerable powers for the management and supervision of prisons were given to judges and justices.

The permission given by this Debtors' Relief Act to justices to exercise certain rather indefinite powers within the common Gaol, was an unwary infringement on the sole custody and authority of the sheriff. From this time began a gradual transference of the sheriff's powers to the bench of magistrates, and their respective authorities frequently clashed. Eventually, when the gaoler became paid by salary, and the bench, as stewards of the county rate, became his paymaster, their permanence and their custody of the purse generally outweighed the claims of their annual rival on the gaoler's allegiance.[3]

[1] 2 Geo. II. c. 22. It was, as usual, only a provisional act to remain in force five years.

[2] All three of these abuses and preventives are noticed in the older act.

[3] On another point, their respective jurisdictions were already in an anomalous position. The sheriff was answerable for the safe custody of the prisoners, the justices for the repairing and building of the prison. (23 Hen. VIII. c. 2; 5 Eliz. c. 24; 11 and 12 Will. III. c. 19.) Subsequently, when the right to regulate as well as supervise was added to the functions of the bench, while the sheriff was still saddled with his own responsibilities, the jumble of jurisdictions became hopelessly intricate.

However, for the present, neither the Debtors' Relief Act, nor its agents the justices, worked any practical reformation. The act left untouched the most radical evils in Gaols, while, owing to the gross supineness of the justices, even the vile practices which it was meant to suppress continued in almost full vigour.

Before Oglethorpe set out for America, he took part in another committee, whose leader, William Hay, was scheming a most extensive social reform, and among other objects, a reconstruction of the whole system of prisons. During the century and a half preceding the enactment of the new poor law, every political philanthropist of any note tried his skill on the old poor law. No plan propounded for its amendment was so shrewd and wholesome as that of William Hay, a deformed pigmy, who by dint of clear-witted sagacity and genuine benevolence, a sharp tongue and a ready pen, had won a high position in Parliament. When quite a young man (1728) he published "An Essay on Civil Government," a treatise notably in advance of the times. In many important respects it anticipated, not only Beccaria's famous work, but also many principles of nineteenth century philanthropy: he even maintained that penitentiary Gaols were preferable to hanging and transportation. In 1733 he obtained a seat in Parliament, and two years later was the head and heart of a committee for amending the poor laws. The report of the committee was a remarkable document, and many of its suggestions have since become law. A proposal for a complete reorganization of Bridewells and Gaols was a chief part of the scheme. Hay's plan was to build district prisons by Parliamentary grants; to support them by voluntary subscriptions and compulsory rates combined, and to place them under the supervision of inspectors appointed by the Lord Chancellor. A bill was introduced founded on the report, but such measures received a poor welcome from Walpole's bribe-sucking Parliaments. Session after session it was introduced by its indefatigable author, but the House would never discuss it. At last, after a lapse of several years, the scheme and its Sisyphus obtained a little niggard attention. The Commons disemboweled the bill of all that was important, and the Lords rejected the residue.

At the time that Hay's bill was struggling on to final abortion

the cause of prisoners was taken up in another quarter. It is almost always recorded in the lives of the humbler worthies of England in the sixteenth and seventeenth centuries, that they visited the "sick and in prison." In accordance with the traditions of English piety, when the "Godly Club" was first formed at Oxford, the Wesleys and its other members offered their first ministrations to the prisoners in the Castle. The good work, once begun, was not lightly abandoned. For some years Whitefield, Wesley, and their most zealous followers, prayed, preached, and distributed alms in all the Gaols, Bridewells, and Bedlams that came within their circuits, and it was only under compulsion that they at length forsook this portion of their mission. When the storm of their unpopularity was at its height, they found the doors even of prisons and madhouses shut against them. "So," said John Wesley, "we are forbid to go to Newgate for fear of making them wicked, and to Bedlam for fear of making them mad;" and from that time he and his brother Charles discontinued their prison visitations. But one of the band was not to be deterred. Some years before, a renegade methodist, who lay under sentence of death in Newgate, in a fit of remorse sent for Sarah Peters, a woman well known in the communion for the fervency of her prayers and charity. The gaol-fever was raging in the prison, but she took her life in her hand and went. Day after day, for three weeks, she ministered in the name of God to all the poor wretches under sentence of death; and when the gallows-day came they went to execution rejoicing, one and all, in the forgiveness of sins. Then, when her work was done, she sickened and died. In her visits to the Gaol, she had been accompanied by a weak-brained, warm-souled enthusiast, named Silas Told. Her spirit passed into him, and he consecrated the rest of his life to the conversion of condemned malefactors. For the next five and twenty years he was to be seen praying and exhorting on every gallows-cart that went from Newgate to Tyburn.

The reformation of prisons was again postponed by the miscarriage of Hay's bill. During several subsequent years nothing was done beyond periodically renewing the Debtors' Relief Act, and tinkering its obvious flaws. The principal exception was a

savage act[1] against accomplices in the escape of prisoners: there had been no decline in the science of gaol-breaking since the recent hanging of Jack Sheppard. A slight step in advance was made in 1744, when Parliament brought out an elaborate revision of the vagrant laws, and Houses of Correction came within its scope.[2] Much larger powers were given to magistrates for erecting and enlarging such Houses, making bye-laws for their regulation, appointing and dismissing their keepers. Two injunctions in this act, if they had been carried out, would have effected great improvements. Keepers were ordered, though not for the first time, to set their rogues to work: justices were required to visit the houses at least twice a year. Both injunctions were futile. Poor Kate Hackabouts from the street were occasionally set to beat hemp, but this was an exception to the rule: Howard almost always found the prisoners in Bridewells lounging in compulsory sloth. Justices were generally content with inspecting the outside of their prisons; inside, the chance of encountering a whiff of gaol-fever was far too great for their philanthropy.

However, the necessity for effectual measures to repress crime was now beginning to press heavily on the legislature. In 1750 there was a panic of alarm at the growth of lawlessness: Parliament was assailed with petitions, the press was prolific of pamphlets. One of these pamphlets, "A Treatise on the late Increase of Robbers," by Henry Fielding, has retained its celebrity to the present day: there was not a more active and sagacious magistrate in the city than the author of Tom Jones, except it was his brother, blind Sir John. The panic spread to Parliament, and repressive measures were introduced. The recent rebellion, the unsettled state of the country, the feebleness of the executive, ignorance, the poor laws, and gambling, had all fostered the increase of crime; but every other evil sunk into nullity compared with the prevalence of the great Gin Plague.[3] Gin-drinking came in with the Revolution. William III.'s first

[1] 16 Geo. II. c. 31.

[2] 17 Geo. II. c. 5.

[3] Although it outgrew the other evils of the time, yet they were monstrous enough. The profligacy of the upper classes was even viler than in Charles II.'s reign. But this æra of disgusting degradation has often been described (see Massey's History of George III. Vol. II. Ch. i.), and its connexion with the state of prisons is not so immediate as to require further notice here.

Parliament promoted distillation to replenish the exchequer, and subsequent Parliaments, with occasional qualms, followed the example. In George II.'s reign, gin had become frightfully cheap, sixpence a quart. "Here," said the sign-boards, "you may get drunk for a penny, dead-drunk for two-pence, and have clean straw for nothing." Hogarth engraved the result in his well-known pictures of "Gin Lane" and "Beer Street." The people went mad-drunk on gin and brandy; their betters followed their example on wine and punch. Fine gentlemen and ladies caroused at home and in taverns; bibulous bishops and roystering parsons kept them in countenance; prime minister Walpole rollicked half-tipsy into the House, and King George figured in fuddled dignity at masquerades and assemblies. At last, in 1735, first the Lords and then the Commons, yielded to the public outcry. The famous Gin Act[1] was passed to raise the price of retail licenses to 50*l.*, and to lay a tax of 20*s.* a gallon on brandy and gin. The only result was an outburst of popular excitement, and "the people of lower and inferior rank," who had been needlessly insulted in the preamble, spontaneously confederated against the new law. The populace nicknamed the act "the death of old Madame Gin," and in several towns they celebrated her funeral with mock obsequies, and got gloriously drunk at her wake. Informers were hunted through the streets, doused in sewers, and occasionally murdered; the number of unlicensed dram-shops and street-hawkers of spirits rapidly increased, and gin and brandy, under new names, "Cuckold's Comfort," "Ladies' Delight," &c., were openly sold in defiance of the baffled justices. In a few years the act was repealed, and a new policy adopted; but in spite of all legislative experiments, the drunkenness and crime continued to increase, till in 1750 11,200,000 gallons were consumed, and in London alone fifty-six criminals hung.[2] But in the next year Parliament out-manœuvred the drink-sellers by a shrewd clause in a new bill—the memorable Tippling Act[3]—which forbade the recovery of any gin-shop or tavern debt under 20*s.* contracted at one time. This instantly

[1] 9 Geo. II. c. 24.

[2] One significant fact may be adduced to show how completely gin was destroying the nation, body and soul: in this same year the deaths in London exceeded the births by 9,179.

[3] 24 Geo. II. c. 24.

made the gin-vendors chary of trusting their customers, and the consequence was that the great Gin Plague waned at once. In a single year the consumption decreased by four million gallons, and the people gradually returned to their first love, beer. Nowhere had drunkenness prevailed to a more disgusting excess than in prisons. Accordingly, the Tippling Act prohibited the sale of spirituous liquors, and ordered copies of the prohibitory clauses to be hung up in all Gaols and Bridewells. They were, however, seldom exhibited, and whether exhibited or not, were everywhere openly evaded.

The Tippling Act was followed in the next session by the Licensing Act,[1] a measure which embodied the most important of Fielding's suggestions. By this statute the practice of offering "rewards, and no question asked," was forbidden under severe penalties; tea-gardens and gaming hells—*i.e.* Vauxhall, Ranelagh, and other such places, some more vulgar, others more aristocratic, but all equally infamous—were placed under stringent regulations; and prosecutors in felony cases were allowed their expenses. Some years passed before the efficacy of the licensing clauses was felt, but the value of the other provisions in the act was immediately seen. Hitherto thieves had found their victims the best customers for their own stolen goods, and as few persons cared to bear the heavy cost of prosecution, half the felons in the land plied their trade with impunity. The Licensing Act, as it stands, was a great step in criminal law reform, but it was only a fragment of a much more extensive scheme which was projected at the same period. At the height of the alarm occasioned by the increase of crime, a committee of the House of Commons was appointed to investigate the subject. The inquiries of the committee (which contained some of the most notable men of the day, Pitt, Grenville, Charles Townshend, and others) lasted through two sessions. With a sagacity very rare in an eighteenth century Parliament, they denounced the poor laws as the nursing mothers of crime, proclaimed the close connexion between the gross ignorance of the poor and their moral degradation, exposed the vice-breeding potency of prisons, and proposed a very general substitution of secondary punishments—especially labour on

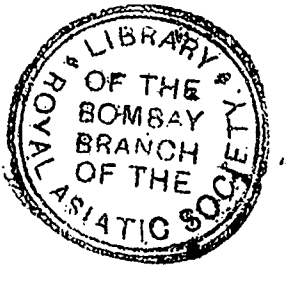
[1] 25 Geo. II. c. 36.

public works—for hanging. The last proposal was a remarkable abandonment of the hanging philosophy then, and long afterwards, paramount in England. To the end of the century Parliament persevered with savage stupidity in multiplying capital felonies as the most powerful means of checking crime. In the later part of the century a crowd of philosophers at home and abroad, following the lead of Montesquieu and Beccaria, denounced the system; Paley was the only writer of eminence who ventured to defend it; but at St. Stephen's the reckless confidence in the efficacy of the gallows remained unshaken. Hanging bills were passed without question. "If a country gentleman," said Burke, "can obtain no other favour from Government, he is sure to be accommodated with a new felony without benefit of clergy." Blackstone reckoned that in his time the list of capital felonies contained 160 items, most of them of recent addition; when Fowell Buxton and Mackintosh took up Romilly's unfinished crusade against the hangmen, the number had increased to 222. In accordance with the views which they advocated, the committee proposed a series of resolutions in the House. They were readily adopted, and a bill founded on them passed the Commons; but the Lords, whose stolid conservation blocked the progress of criminal law reform for the next seventy years, threw it out. The reign closed with but two additions to the laws affecting crime and prisons. The one was the Murder Act, passed, like the Tippling and Licensing Acts, at the time of the panic: among other clauses intended to enhance the terrors of the gallows, it contained one consigning the murderer to bread and water and a solitary cell in the interval between sentence and execution. The other (called the Lords' Act, from having originated in the Upper House) was more important. It was not so much an original measure as a revival, revision, and extension of the Debtors' Relief Act, the fifth lease of which was on the point of expiring. In its amended form it remained in force till 1823. At the time this statute was under discussion, Dr. Johnson swung some bludgeon logic at the folly of wholesale imprisonment for debt; but his notions were far too big for that generation.[1]

[1] *Idler*, Nos. 22 and 38.

Twelve years of the new reign passed without any actual progress, but prognostics of better times for the prisoner began to thicken. Even in the factious place-hunting Parliaments of that date, poor laws and criminal laws, though no political capital was yet to be extracted from them, found a few pertinacious patrons. In debates on poor laws Houses of Correction, and in debates on criminal laws prisons generally, were always involved. In 1770 there was a second panic at the increase of robberies, which occasioned two more Parliamentary committees. The first was nominated to consider a plan for suppressing crime in the metropolis, proposed by Sir John Fielding. When the report was brought up a long debate ensued, commencing with some wholesome denunciation of the penal laws and ending with roars of laughter. Sir John had got divers queer crotchets about street ballad-singers, which were duly set down in the report. This portion therefore being pungently funny, the clerk broke down in reading it; the House caught the infection, lapsed into buffoonery, postponed the discussion, and it was never revived. Some months later, however, Sir William Meredith, a man far above the contemporary ruck of Parliamentary bribe-suckers, moved for a committee to consider the criminal laws. After a delay of nearly two years, the Commons in the interval being very much absorbed in a wrangle with the demagogues of the City, this committee resulted in a bill to repeal certain capital felonies, which the Lords as usual rejected. But the penal dogmas of the peerage were already abandoned by thinking men. Already (at the time of the first committee on crime) Johnson had preached against our hempen laws; translations of Montesquieu's *Esprit des Lois*, and Beccaria's *Dei Delitti e delle Pene*, were at this time steadily passing through several editions. The first English version of Beccaria's treatise appeared in 1765, a year in which the belief in gibbet-justice was effectually shaken by the publication of Blackstone's Commentaries. Seven years later a clergyman, named Denne, proposed separate imprisonment as a means of reforming criminals. The credit of being the first advocate of the separate system is allotted to Denne; at least its recent advocates, who have carefully gleaned up every opinion in its favour expressed

in the last century, have found none earlier, except Dr. Bray's suggestion and a few lines to the same effect in a Spital Sermon by Bishop Butler (1740). "Denne's Letter to Sir Robert Ladbroke," was one of the pamphlets elicited by a renewal of the panic about crime; it attracted considerable attention at the time, and Howard quotes it with much respect some years later. His proposal of separate confinement, as likely to reform even "hackneyed offenders, as well as those who are only in their first stages of wickedness," is distinctly and forcibly discussed. The same year that produced Denne's Letter was marked by a yet more hopeful symptom of the coming reform—the establishment of a society (which exists to this day) for the relief of poor debtors, still the most wretched class of prisoners. The following year an act was passed, authorizing "the justices at quarter-sessions to appoint chaplains to their Gaols," at a salary not exceeding 50*l.* per annum. This was the first official recognition of the fact that prisoners are within the pale of salvation; a large section of the public is still sceptical on the point. The same year Mr. Popham, member for Taunton, introduced a bill for abolishing gaolers' fees, and giving them instead fixed salaries out of the county rates. A few months before John Howard had been appointed high sheriff for Bedfordshire.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CHAPTER III.

THE PROGRESS OF PRISON DISCIPLINE FROM THE SHRIEVALTY OF HOWARD TO THE PASSING OF THE GAOL ACT.

1773—1824.

THE appointment of Howard, a quondam grocer's apprentice, the possessor of only moderate fortune, a Dissenter and a Liberal, to the office of high-sheriff, as though he had been a county magnate of the regulation pattern, is a noteworthy circumstance. So many disqualifications would not have been overlooked if his high character had not cast them into the shade. He was now forty-six years of age. Nature had given a special character, religion and providence a special training for his apostleship. His mother died in his infancy, but his father, a parsimonious ex-tradesman and strong Calvinist, lived long enough to exercise a permanent influence on his son. Young Howard, a slow, grave, sickly boy, after a few years of very defective education, was apprenticed to a grocer in Watling Street.[1] His father, however, died before his time was out, and as his guardians left him free to follow his own wishes, he got rid of his incipient grocership, and set out on a continental tour. His love of travelling was excessive; locomotion was his resource in every emergency. When ill he travelled for health; when bereaved and afflicted he travelled for solace; when destitute of employment he travelled for occupation. The constant travelling which his prison-mission involved undoubtedly formed

[1] Howard's patrimony was about 12,000*l.*; subsequently, on the death of his only sister, he received 20,000*l.* more. He was much impoverished by his prison mission, in which he spent full 30,000*l.*: a large portion of this was consumed in liberating debtors.

part of its charm; yet no love either of nature or art was an ingredient in this passion. The purchase of a few furniture-pictures in his early tours constitutes his sole claim to connoisseurship in art; his taste for the beauties of nature may be gauged by his deliberate preference for Holland as "the only country in which propriety and elegance are mixed." In fact, he had something of the Dutchman in him: Dutch accuracy, precision, and minute truthfulness; Dutch neatness and sobriety of taste. On his return to England he wandered from place to place, and at last settled in lodgings at Stoke Newington. His health at this time and for many subsequent years was wretched, and as simplicity of diet was his sole nostrum, he became by degrees a strict teetotaler and vegetarian. His bread and milk diet was destined to prove his great preservative against gaol-fever and plague. At Stoke Newington he would probaby have died but for the assiduous kindness of his landlady. On his recovery, prompted by a quaint sense of duty, he insisted on marrying her. He was in his twenty-fifth, she in her fifty-second year; a widow, sickly and poor. She strongly objected, he quietly persisted. Quiet obstinacy was one of his most marked characteristics. Travelling once in Prussia, he met in a narrow road a royal courier posting on public business. A local rule of road required postilions to sound their horns before entering to clear the way, for two carriages could nowhere pass each other. Howard's postilion had obeyed the rule, the courier's had not; one or other must turn back. The courier blustered and threatened; Howard reasoned and remonstrated. A duel in obstinacy ensued; each sat in his carriage, blockading the other's patience. It inevitably ended in Howard's victory. His calm obstinacy was equally successful with his landlady. She succumbed and married him, but died within three years. To soothe his sober, sincere sorrow he, of course, determined to travel again, and accordingly embarked for Lisbon, then (1755) recently desolated by an earthquake. The packet, however, was captured, and carried into Brest. Along with his fellow-passengers he was confined for six days in a damp filthy dungeon belonging to the castle of the town. The food was in keeping with the lodging. After they had been left fasting fifty or sixty hours, a joint of

mutton was thrown in among them, and as none of the company possessed a knife, they were obliged to tear and gnaw it with their teeth. "Perhaps," wrote Howard, more than twenty years afterwards, "what I suffered on this occasion increased my sympathy with prisoners." He was soon liberated on parole, and allowed to return to England to negotiate his exchange. Before he left France he had collected trustworthy particulars of the sufferings of English prisoners of war, and by his urgent representations to the authorities at home he procured effectual measures for their relief. The next two years he spent at Cardington, in Bedfordshire, improving a small estate he possessed there, studying various scientific subjects, especially medicine and meteorology, and trying to civilize the cock-fighting, dram-drinking villagers. At the end of that time he married again, an affectionate, sensible, gentle-faced woman, of his own age and rank. It must have been a grave practical wooing; for before the wedding he made a formal treaty with his bride elect, that if ever a difference of opinion arose between them his will should rule. They spent their married life, which lasted seven years, chiefly at Cardington, doing their duty to God and man in a sober business-like fashion, and by degrees Howard's Dutch taste, resolute will, and Christian charity turned the old hovels and dunghills of the squalid villagers into neat cottages and gardens. But in March, 1765, Mrs. Howard gave birth to her only child, and died.

Howard grieved for her with a slow, silent, pining grief. The boy, whose birth had cost her life, never won his full affection. With grave duty-love he provided carefully for his education, but never gave him a father's thorough devotion. His notions of educational training were stern and harsh, and the child was a most unfortunate subject for their application. Rigid discipline, resolute coercion, and severe punishment were brought to bear on the boy during his childhood, and then he was transferred to the lax treatment of private tutors. After his fifth year the boy only saw his father at long intervals; and then he naturally shrank from the reserved, absorbed man, whose precise, formal habits and rigid notions of authority concealed his thorough kindliness. The boy, in consequence, grew up in

alienation from his father, a hypocrite before his face, a precocious libertine in secret. Howard, unsuspicious, confiding, utterly conscientious in his very neglect of duty, grieved deeply over his wayward, irritable temper, but never learnt the whole truth till, on his last return to England, he found him a disease-corroded maniac.

Restless, lonesome, and broken in health, after his wife's death, Howard resumed his habit of travelling. In the winter of 1769 he set out for Italy, intending to remain absent for a considerable period. Many of his letters written during this tour, and also part of his journal, are still extant. The journal is a record not of events, but of spiritual emotions; a journal, in fact, of that type which the English public is now so often called on to accept as a criterion of didactic saintship. The present demand for such religious diaries has given an unhealthy stimulus to their production and deteriorated their quality. The unsympathetic reader suspects that the autobiographical scribe was led by the latent hope of future perusal and publication to these records of spiritual sensations, or else, if convinced of their genuine character, he is repelled by the sickly self-consciousness they exhibit. Yet genuine men, keenly conscious of their religion, are liable to fits of morbid self-analysis, especially at junctures when religion is deepening its influence upon them. Howard's journey to Italy was a juncture of this kind in his inner life, and his diary displays something of the morbid tendency. In his Calvinized Scripture phrases, his exaggerated self-reprobations, and his ardent invocations of sovereign grace, there is some likeness to the outpourings of Bunyan in the early days of his religious mania. An attached adherent of the sect which counted Bunyan its greatest saint, a resident in the neighbourhood where he had lived and laboured, a regular worshipper in the chapel where he had ministered, it is probable that Howard was leavened with some of his leaven. But notwithstanding the slightly unhealthy tone, the entries in his journal are instinct with the spirit of deep, fervent religion,—religion as true, pure, and strong as ever filled a man's heart with great God-fearing thoughts. It was simply his religion which turned this dull, ordinary, sickly man into a hero saint.

Ordinary motives had no influence with him. He shrank from the bare thought of emolument with the most sensitive delicacy: his fame was distasteful to him. When every one was talking of him, when the newspapers were full of him, when his name had become an established common-place on the hustings and in Parliament, he was still the same shy, reserved man. When a compliment was offered him in private he shuffled it aside with an uneasy joke about his "whims:" an attempt to bestow a public memorial on him provoked him to a display of angry impatience. There was very little of the earth, earthy, in this man. By the grace of God he was what he was.

But apart from his religion he possessed notable qualities. A small, spare man, with a sallow, heavy-featured face, prim and precise in his dress, shy and phlegmatic in his conversation, he was palpably not very heroic in appearance. But the keen restlessness of his eye, and the alert energy of his movements, the softness of his voice, and the kindliness of his grave smile, indicated his true character. A cleverer man would have been far less fit for his mission. The science of "Penology," as the German professors call it, required, and still requires, to be treated inductively. Twenty years ago it ran some risk of evaporation into the cloudland of theory and empiricism; reformers were making it prematurely a deductive science. Full-blown theories, ideal systems, silent, separate, and what not, were adopted in their integrity, and the rules and discipline of our prisons most confidingly deduced, with results decidedly expensive, unsatisfactory, and calamitous. Howard was a very inductive philosopher; he never speculated on abstract principles, nor propounded new theories; his utmost inductions were simple, obvious, and often puerile suggestions. "I am a plodder," he said himself, "who go about to collect materials for men of genius to make use of." Finding the English public and Parliament utterly ignorant on the subject of prisons, he ransacked Europe for the required information, but left to others —Popham, Blackstone, and Eden—the task of evolving principles, and framing laws out of his vast accumulations of facts. "A man," says Carlyle, "full of English accuracy, English veracity, solidity, simplicity, by whom this universal gaol-com-

mission, not to be paid for in money, but far otherwise, is set about with all the slow energy, the patience, practicality, sedulity, and sagacity common to the best English commissioners paid in money, and not expressly otherwise." With his measuring-tape, weighing-scales, and note-book, he repeatedly visited every Gaol in Great Britain, and once, at least, the principal prisons in every continental state. He never took a statement on hearsay, but cross-questioned keepers, turnkeys, and prisoners, and explored every cell and dungeon himself; and finally, having satisfied his exacting conscience by repeated revision and unwearied verification, he brought out his book, with its forty-two pages of "proposed improvements," ballasted by four hundred and forty-seven of facts.

It was his intense veracity and his indomitable will which made him, what he eventually became, a European *censor morum*. Not a courtly man of tact, not by any means a respecter of persons, never shrinking from any suffering and danger, in season and out of season, he "plodded" about his task, dragging abominations into daylight, and forcing them under the notice of all whom it concerned. He once spent forty days of voluntary quarantine on board a filthy lazaretto at Venice, in order to learn the full truth about its management. Within a month, while still quaking with the effects of quarantine fever, he had a private interview for two hours with the Emperor Joseph at Vienna, during which he seems to have told him all the most unpalatable facts he knew concerning the imperial prisons.

Howard's "universal gaol-commission" arose out of his appointment to the shrievalty of Bedfordshire. "The circumstance," he writes, "which excited me to activity on behalf of prisoners was, the seeing some, who by the verdict of juries were declared *not* guilty, some on whom the grand jury did not find such an appearance of guilt as subjected them to trial, and some whose prosecutors did not appear against them, after having been confined for months, dragged back to Gaol, and locked up again till they should pay *sundry fees* to the gaoler, the clerk of assize, &c. In order to redress this hardship, I applied to the justices of the county for a salary to the *gaoler* in lieu of his fees. The bench were properly afflicted with the grievance, and willing

to grant the relief desired, but they wanted a precedent for charging the county with the expense. I therefore rode into several neighbouring counties in search of a precedent, but I soon learned that the same injustice was practised in them; and looking into the prisons, I beheld scenes of calamity which I grew daily more and more anxious to alleviate. In order, therefore, to gain a more perfect knowledge of the particulars and extent of it by various and accurate observation, I visited most of the *county Gaols* in England. Seeing in two or three of them some poor creatures whose aspect was singularly deplorable, and asking the cause of it, I was answered, 'they were lately brought from the *Bridewells*.' This started a fresh subject of inquiry. I resolved to inspect the Bridewells; and for that purpose I travelled again into the counties where I had been, and, indeed, into all the rest, examining *Houses of Correction, City and Town Gaols.* I beheld in many of them, as well as in the county Gaols, a complication of distress; but my attention was principally fixed by the *gaol-fever*, and the *small-pox*, which I saw prevailing to the destruction of multitudes, not only of *felons* in their dungeons, but of debtors also."

He commenced his labours in November, 1773, and in the following March he was able to make the information already gathered immediately useful. Mr. Popham's bill of the previous year had been referred to a committee, and dropped on account of some obvious flaws. In the next session he moved for leave to bring in fresh bills for the prevention of gaol-fever, as well as the abolition of gaol-fees. Howard's recent investigations had occasioned this extension of the proposed reform; his friends in Parliament took an active part in the preparation and advocacy of both bills, and he himself was examined before a select committee. His evidence created such surprise and admiration, that he was called to the bar to receive the thanks of the House. On the 31st of March, a bill[1] was passed, partially abolishing gaol-fees. The principle of maintaining the prison at the expense of the prisoners was retained in the case of convicted offenders, but the innocent were relieved from paying the cost of their unjust imprisonment. They were to be

[1] 14 Geo. III. c. 20.

set free in open court without payment of any fee whatsoever, and the sheriffs, gaolers, &c. were to receive compensation out of the county rate, or some analogous fund. Previous to this enactment it made very little difference to an insolvent prisoner whether he were convicted or acquitted; in either case his liberation depended on the payment of his fees: that the gaoler would at length, in despair of his perquisites, strip him and turn him out, was his best chance for freedom. In June another bill[1] was passed, "for preserving the health of prisoners." It required justices to provide infirmaries, apothecaries, clothing, and baths; to see that their Gaols were periodically cleansed and white-washed; to make such other sanitary arrangements as seemed expedient, and to enforce compliance on recalcitrant gaolers by fine and imprisonment. Howard, determined, if possible, to prevent these bills from falling dead, like most of their predecessors, reprinted them at his own expense in larger type, sent copies to every gaoler in the kingdom, and shortly after set out on a new tour of inspection—his fourth or fifth this year—personally to superintend their enforcement.

In the following spring he ran some risk of being diverted from his mission; by four votes only he escaped being returned to Parliament for Bedford. He had contested the election against the borough-mongering interest in conjunction with his relative, Mr. Whitbread; the latter was returned, and during his long subsequent career as a Whig magnate, was ever a zealous advocate of prison reform. But Howard's destiny, which had saved him from becoming a grocer, saved him also from becoming a member of Parliament. The matter was in suspense for nearly half a year, for with his characteristic thoroughness he fought for his seat by petition and scrutiny, until every chance was exhausted. This was mere by-work, however; his best energies all the while were devoted to prisons. He had already extended his circuits to Scotland and Ireland, and as soon as the election-wrangle was over, he set out for the Continent, to visit the prisons of Paris, Holland, the Netherlands, and Rhenish Germany. The following year he extended his researches into Southern France and Switzerland. He found the worst foreign

[1] 14 Geo. III. c. 59.

prisons scarcely so bad as the best in England. In some, especially in France, there were filthy, crowded dungeons, and torture was still legal, and in practice; on the other hand, gaol-fever was unknown, prisoners were never ironed, and corrective labour was systematically enforced. Many prisons in Holland and the Netherlands were admirably managed convict factories. In Switzerland solitary confinement was in frequent use. His continental journeys, alternated with several painfully accurate re-inspections in England, occupied Howard till the year 1777. In the spring of that year his work on "The State of Prisons" was published. To ensure a wide circulation, he gave away copies to all members of Parliament and men of note, and sold the rest of the impression at a nominal price.

The work appeared at a seasonable juncture, and contemporary criticisms prove that it excited considerable interest. One of these is noteworthy; it is an enthusiastic eulogy of the book which occurs in a series of letters written to an Anglo-French pastor, invalided at Lausanne, by his young brother-in-law in England, Samuel Romilly. In fact by this time the question of prison-discipline was abundantly discussed. Other works on the same subject, and even with the same title, "The State of Prisons," had already been published.[1] For some time past Jonas Hanway, who, like Howard, had carefully studied the prisons of Holland, had been denouncing English Gaols as "schools for instruction in iniquity," and demonstrating that association was "irreligious, inhuman, and impolitic." In one of his crochetty philanthropic quartos, published in 1775, he proposed a plan of solitary confinement to be enforced with Pentonvillian rigour—not only separate cells, but separate airing-yards, and separate closets in the chapel, "so contrived, that [the prisoner] may see and hear the clergyman, whilst a *double grate* prevented his seeing any other person." But Hanway anticipated the essential principles, as well as the accidental exaggerations, of the modern system. As indispensable adjuncts to solitude he proposed labour, the firm just government of a "gentleman-keeper," and the religious ministrations of an able, earnest chaplain. The old merchant shrewdly stipulated that

[1] For instance, in 1776, a certain W. Smith published a work with that title.

he should be well paid. Reformation, in short, was to be the paramount object of the discipline. "To render the punishment subsequent to no end but terror," he writes, "is but half the work; it is intended to preserve the prisoner, and restore him to the world with impressions of religion and social love in his mind."[1]

But Hanway's treatise did not attract so much notice as another work connected with prisons, which appeared soon after, by a very different author, Dr. Dodd. The poor dandy priest spent six months in Newgate before his execution, and during part of the time he was forced to herd with the common rabble. The change from the caresses and luxuries lavished on him by the silly devotees of his green-room theology to the riot and ribaldry of the Gaol, sorely tried the unstrung nerves of the pet preacher. When at last he was accommodated with a separate apartment, he wrote a poem, entitled, "Thoughts in Prison," in which he copiously lamented the evils of association and his own especial miseries. The case of the unfortunate divine-about-town made a great sensation; he really was hardly dealt with, for he had done all he could, by confession and restitution, to atone for his crime. Dr. Johnson fought for him nobly. Twenty thousand people signed the petition for his pardon; consequently, when the unhappy author was hung, and the poem published, hundreds of fine ladies and gentlemen read, and perhaps wept over, his watery blank verse, and thus most unexpectedly felt a transient interest in the question of prison-discipline.[2]

Other circumstances at the same period combined to attract attention to the subject of Howard's book. Its appearance synchronised with one of the periodical discussions on criminal law. In consequence of various attempts made by a crack-

[1] "The Defects of Police the Cause of Immorality," Letter xxii.

[2] Poor Dodd, theatrical to the last, ends the preface with a ghastly point:—"The thinking reader will easily pardon all inaccuracies, as I am neither able nor willing to read over these melancholy lines with a curious and critical eye. They are imperfect, but the language of the heart; and had I time and inclination they might and should be improved; but—." It is a curious coincidence, that some years before he was himself so crucially interested in the subject, he had written against wholesale hangings. (The Frequency of Capital Punishments inconsistent with Justice, &c., a Sermon, by W. Dodd, LL.D. 1762. [?].)

brained scoundrel, known as John the Painter, to fire the arsenals at Portsmouth and Plymouth, a bill was brought in to make arson in dockyards a capital felony. A hot debate ensued (in the same month in which the "State of Prisons" appeared), and a vigorous assault was made, headed by Sir William Meredith, on the barbarities of the penal code. But it was the perplexity in which government was then involved about the disposal of their surplus convicts, whom they could neither hang, transport, nor cram into the prisons, already crowded to excess, which gave Howard's labours their chief importance.

Transportation had been in abeyance for two years. The system, under one form or another, had been in increasing use for more than two hundred years, and its sudden suspension had completely disorganized the administration of justice. The punishment was unknown to the common law; Magna Charta expressly protects every freeman from banishment, and it could be inflicted on no offender except by his own consent, or by act of Parliament. At an early period, however, voluntary exile, under the title of "abjuration of the realm," appears as an offshoot of the privilege of sanctuary. To the felon "who chose rather *perdere patriam quam vitam*," the oath of perpetual banishment was administered by the coroner in the church or churchyard to which he had fled; a cross was put into his hand for his protection on his journey, and he was bound forthwith to repair to the nearest seaport, from whence to ship himself off, never to return: if afterwards he was found at large in the realm he was to be consigned to the gallows. An act of James I.[1] abolished the right of sanctuary, and consequently its appendage, abjuration of the realm. But exile by act of Parliament, the real origin of transportation, had already been established. The same act in Elizabeth's reign which created Houses of Correction legalized the "banishment of rogues."[2] Banishment was the term used, and it was a correct name for the punishment; for it specified no fixed place of exile, and inflicted no penal labour on the

[1] 1 Jac. I. c. 25, and again 21 Jac. I. c. 28; popish recusants, however, could still by statute law (35 Eliz. cc. 1 and 2) be compelled to abjure the realm.

[2] 39 Eliz. c. 3.

offender. But banishment was soon developed into transportation. In the year 1619, James I. addressed a letter to the Treasurer and Council of Virginia, commanding them "to send thither a hundred dissolute persons, which the knight-marshal would deliver them." The term "transportation" appears first in three early acts of Charles II., the first of which empowered justices of the peace, at their quarter sessions, to "transport incorrigible Rogues, Vagabonds, and sturdy Beggars to any of the English Plantations beyond the seas;" the second (the famous Conventicle Act) allowed a single justice to inflict the same punishment on any offender convicted for the third time of attending an illegal prayer-meeting; while the third gave a like power to justices of assize to transport the moss-troopers of Northumberland and Cumberland "to any of his Majesty's dominions in America, there to remain and not to return."[1] At first felons were bound to transport themselves, on pain of hanging if they loitered. But it was soon found necessary to enforce their departure more certainly, and the justices began the practice of giving away their convicts to any contractor who would undertake to clear them out of the country and land them in the colonies. In return the contractor acquired a property in the services of the felons during the period of their sentences, and generally sold them as slaves in open auction to the planters. Transportation, in fact, was a branch of the slave trade. The contractors, however, seem to have found that the pestiferous state of Gaols made the exportation of rogues a precarious traffic. Their cargoes were often consigned to them reeking with gaol-fever and small-pox, and it was almost miraculous if the plague did not break out on board during the passage. Moreover, in every batch there were sure to be some rotten felons,—literally rotten, smitten with black rot in the feet and legs, by reason of confinement in freezing cells with no straw between their nakedness and the damp stones. An unpleasant assertion this, but Howard quotes a letter from Messrs. Stephenson and Randolf, felon-dealers of Bristol, to prove its

[1] 13 and 14 Car. II. c. 12; 16 Car. II. c. 4; and 18 Car. II. c. 3. Both the first and second of these acts escaped the notice of the Committee on Transportation in 1837.

truth. However, in the early days of the American colonies, when labour was scarce and dear, the contractors found a ready market for, and realized a fair profit on their cargoes. But on the rise of the African slave-trade the English felon-trade began to languish. The planters found negroes cheaper than transports, and soon discovered the danger of mixing white and black slaves together in the same gangs. The contractors consequently raised their terms, and asked for further payment to eke out the negative value of convicts: latterly 5*l.* a head seems to have been their charge.[1] Even at this rate the country got rid of its felonry for less than 10,000*l.* a-year, for the annual offscourings rarely reached two thousand. The plan of transportation by contract was fully developed and legalized by an act in the year 1717. Hitherto transportation had commonly been an alternative for the gallows; the convict received a pardon (if he chose to accept it, but it was sometimes declined,) on condition of being shipped off to the colonies. This act, however, made transportation the substitute for burning in the hand and whipping, and consequently greatly increased the number of transports. This extension of the system was propounded as a great boon both to the mother-country and the colonies. The refuse rascality was given away gratis, with a flourish of benevolence, to the latter, "because," says the preamble, "in many of his Majesty's Colonies and Plantations in America there is a great Want of Servants, who, by their Labour and Industry might be the means of improving and making the said Colonies and Plantations more useful to this Nation." The colonists, however, staunch in their preference for negroes, took a different view of the matter. Twenty years before Barbadoes, New York, and Maryland had refused to be made a receptacle for England's out-spewed criminality, and now the increase of the evil soon elicited an increase of complaints. Franklin pressed the remonstrances of Pennsyl-

[1] This is Colquhoun's statement in his Treatise on Police; but as the money was paid by the counties and not by government, it is impossible to ascertain the sum with certainty. The authorities on the old system of transportation are very conflicting. In the main I have followed Dr. Lang's "Transportation and Colonization," and Sir W. Molesworth's Report from the Transportation Committee (1838).

vania with great urgency on the government, meeting the plea of necessity with the retort, "Would the same reason justify the Americans in sending their rattle-snakes to England?" Owing to the representations made by him and others, the Committee on Crime, in 1770, recommended "That provision should be made for transporting criminals to the coast of Africa and to the East Indies." But the Commons objected to the East Indies because the voyage was expensive; to Africa because the climate was pestilential, and because the imported convicts were sure to conspire with the native cannibals; probably also they were nothing loth to display their supercilious contempt for American grievances. The system, therefore, was persevered in till the progress of the War of Independence made its further continuance impossible.

The criminality of England was consequently dammed up and stagnant in the country, and the same problem was forced on the government of that day which our own, after twenty years of experiment and discussion, has only partially solved. To meet the evil an act[1] was passed, "to authorize, for a limited time, the punishment by hard labour of offenders liable to be transported." This act transformed Bridewells into penitentiary factories, ordered all magistrates throughout the country to enlarge and prepare them for the reception of felon-labourers, and directed that this class should be kept separate from the other prisoners, fed with coarse, inferior food, water and small beer, and clothed in a uniform dress. Meanwhile, to eke out the notorious insufficiency of the Bridewells, two old hulks at Woolwich, the *Justitia* and the *Censor*, were converted into floating prisons. The convicts committed to these hulks were to be employed in raising gravel, in cleansing the river bed, in the dockyards, or on other public works. This was the origin of the hulk system. In 1776 Howard inspected the *Justitia*. "I wished," he says, in the 'State of Prisons,' "to have found the prisoners more healthy, and their provisions good of the sort. But as the scheme is new and temporary I am not willing to complain." In fact the hulk was filthy and pestilential, and the convicts—sickly, half naked, fed on mouldy biscuit and tainted meat—

[1] 16 Geo. III. c. 43.

were dying at the rate of thirty per cent. per annum.[1] His indignant remonstrances produced some amendment, and in January, 1778, when he visited both hulks, he found the worst evils remedied, but still no little filth and mismanagement. In April he was examined before a Committee of the House of Commons, appointed to consider the propriety of continuing the hulk experiment, and on his evidence the Government decided on a temporary adherence to the plan. The whole body of country justices, in spite of having been duly admonished by the judges in their charges, had totally disregarded the injunctions of the recent act, and the ruinous Bridewells were still utterly unfit for the reception and safe-keeping of hard-labouring felons. Accordingly a bill was passed in May for prolonging the system, and additional hulks were established at Portsmouth, Plymouth, and elsewhere.

Further experiments were at the same time inaugurated. Howard's book, clenched by his evidence before Parliament, had drawn much attention to the subject of penitentiary discipline as enforced in the Maison de Force, at Ghent, at that time the model prison of Europe, and in the rasp and spin houses of Holland. The draft of a bill for the formation of similar prisons in England was prepared under Howard's advice, and three days after his examination he set out on a new continental prison-tour to gather additional information. On this occasion he took a wide circuit; through Holland, Hanover, and Prussia to Berlin; right across the district where the Austro-Prussian war was raging to Vienna; down by Venetia and Rome to Naples; back again by Switzerland and France, then at war with England; and in six months he was in London again. He had seen every prison, except those of the Inquisition, that lay in his route, and nothing else; for when possessed by a particular purpose he was utterly impervious to every alien thought or attraction. "Fully sensible," to quote his own words, "of the imperfection that must attend the cursory survey of a

[1] Between August, 1776, and March, 1777, out of 632 prisoners on board the *Justitia*, 172 died; there was afterwards a little improvement, the deaths decreased to twenty-four per cent. per annum. From July 12th, 1776, to December 12th, 1795, 7,999 convicts were sent to the hulks, of whom 1,946 died, mostly of hulk-fever. (Twenty-eighth Report of Committee on Finance, 1798.)

traveller, it was my study to remedy that defect by confining my attention to the one object of my pursuit during the whole of my journeys abroad."[1] The next year was fully occupied by a series of inspections in all parts of Great Britain.

Early in 1779 he published a second edition of the "State of Prisons," and, in a separate volume, an appendix to the first, containing all the additional matter. They were intended to answer a double purpose: to give the legislature the information they required concerning foreign Penitentiaries, and to report progress in prison reformation at home. The progress was considerable. His vigilance and strictures had proved a strong stimulus, and few prison authorities had ventured altogether to neglect the recommendations in his former work. The act for preserving the health of prisoners had met with an amount of attention rarely accorded to such statutes in the last century: many new Gaols had been commenced; in others salaries had been granted to the keepers in lieu of fees and taps, and gaol-fever had almost disappeared. The improvement was due almost solely to Howard's personal exertions; but it fell far short of what he aimed at. Physical evils only had been alleviated: "at this point," he wrote, "the spirit of improvement unhappily seems to stop, scarcely touching upon that still more important object, the reformation of morals in our prisons,"—a stricture which he drily clenched with a hint that selfish terror of the distemper had hitherto been the only motive for reform.

Meanwhile the bill,[2] of which the draft had been prepared before he left England, "for the erection of two Penitentiary Houses in Middlesex, Essex, Kent, or Surrey, for the reception of persons usually transported," had already been passed, and Howard was appointed one of three supervisors to carry it into operation. This act is a famous one in the annals of prisons. Framed with great care, correctly worded, and complete in itself, it stands in marked contrast to the crude and slovenly legislation of the period. Howard, Blackstone, and Eden[3] (afterwards

[1] State of Prisons, third edition.

[2] 19 Geo. III. c. 74. One Penitentiary was intended for 600 male, the other for 300 female convicts.

[3] Eden, in his "Principles of Penal Law," had already (1771) written on the now popular subject of imprisonment. Sir Gilbert Elliot and Sir Charles Bunbury were also on the committee which framed the act. The bill was intended as an

Lord Auckland) were the chief authors, and it thoroughly represents the opinions of the first with regard to solitary confinement. "Accompanied by well-regulated labour and religious instruction, it might," so runs the preamble, "be the means, under Providence, not only of deterring others from the commission of the like crimes, but also of reforming the individuals themselves." In fact this was now the view taken by every eminent writer of the time who treated the subject. Paley, for instance, in his "Moral Philosophy," published shortly afterwards, gave in his adhesion to the doctrine that, "of the reforming punishments which had not yet been tried, none promised so much success as that of solitary confinement." But the solitude contemplated by the act was not by any means absolute. It was doubted whether the prisoners could be made to work in solitude, and suitable employment found for them: they were therefore to labour in companies under the constant superintendence of an officer. This part of the discipline was copied, somewhat slavishly, from the Maison de Force, at Ghent, and Hanway, indignant at this infringement on his own stricter plan, attacked it with his homely raillery. "An indolent Flanderkin," he vehemently maintained, "might need the stimulus of company to make him work," but "the spirit of a Briton would disdain the thought of inactivity" even in solitude.

Many years, however, were destined to elapse before a Penitentiary was built; from the very first obstacles arose. Howard stickled at the acceptance of his appointment on account of the salary annexed. When this difficulty was overcome another arose, which eventually proved fatal to the scheme. The act required the appointment of three supervisors: Howard bar-

experiment, and limited to the year 1784; it was, however, renewed from time to time till 1802, when (out of neglect apparently) it was suffered to expire. Other subjects, besides Penitentiaries, came within its scope; it provided for the employment of male convicts on public works, substituted fine or whipping for the old punishment of burning in the hand, and in a clause quite at variance with the general spirit of the act, legalized transportation, of which, hitherto, America had possessed an odious monopoly, "to any other parts beyond the seas." The government must have been responsible for this portion of the act: perhaps it originated with Elliot, a factotum of the court.—(See Blackstone's Commentaries, IV. 28.)

gained that his friend Dr. Fothergill, the celebrated Quaker physician, should be one of them; the Government nominated Mr. Whatley, a professional philanthropist, as the third. The last was an unlucky appointment. Howard chose a site in Islington for the erection of the first Penitentiary, Whatley another in Limehouse. Both were equally peremptory and obstinate in defence of their choice: Fothergill and Blackstone sided with Howard, but unfortunately, while the controversy was at its height, Blackstone died,[1] and then the design virtually fell to the ground. The act had been chiefly his handiwork: for the last two years, by his charges from the bench and by his writings, he had done almost as much as Howard himself for the improvement of prison-discipline. His death was an irreparable loss to the cause. The dispute lasted nearly a twelvemonth longer, but in December Fothergill died, in January Howard resigned, and in March Whatley was dismissed. Three new commissioners were appointed, who chose a site at Battersea-rise, prepared plans for the building, and the project was then consigned to official oblivion. Harassed by a naval war in Europe, and by the bloody wrangle in America; beset by reform-agitation in England, and chronic insurrection in Ireland; and lastly, confounded by a spasm of Protestantism which had convulsed the populace into "No Popery" riots, Lord North's ricketty cabinet had neither taste nor leisure for experiments in social science.

The autumn and winter of 1781 Howard spent in visiting the prisons of northern Germany, Denmark, Sweden, and Russia, which he found much worse than those of southern Europe, indeed no better than English Gaols. The whole of 1782 was devoted to a thorough inspection at home, which he repeated in the latter half of the following year: the spring and summer had been passed among the prisons of Portugal, Spain, and France. Early in 1784 he published a second edition of the Appendix, and a third of the original work, inserting in each all the new information he had gathered. With regard to English Gaols, there was not much progress to report. In some quarters the interest in prisons was still ardent, but in others it was

[1] February, 1780.

either flickering or extinct. The Gaols were disgracefully crowded, and the gaol-fever had reappeared.

There were abundant causes for deterioration in the state of prisons. Transportation was still suspended, the accumulations of felonry were rapidly increasing, and the Penitentiary Act, which was to have remedied the evil, was in every respect a failure. Not only were the two national Penitentiaries abandoned, but the clauses also which constituted all Bridewells provisional Penitentiaries, and required "justices of the peace in every county, at their Midsummer quarter sessions, in the year 1779, to give directions for the temporary reception, safe custody, employment and due regulation" of transports, had met with total neglect. The Bridewells were so ruinous and insecure, that the convicts sentenced to reformatory imprisonment, in lieu of transportation, were necessarily sent to the Gaols. These soon became so dangerously crowded that a peremptory act was passed in 1782,[1] "for amending and rendering more effectual the laws in being relative to Houses of Correction." This act, considerably leavened with the new doctrines, transformed Bridewells still more completely into reformatory prisons. Labour, supervision, the separation of classes, and in some cases, apparently—but the meaning of the ricketty English is by no means clear—individual separation, are strictly enjoined; and the doctrine that prisoners in Bridewells, as well as in Gaols, had souls to save, was acknowledged by the appointment of chaplains at 20*l.* a year.[2] But this measure, except in three or four counties, met with no more attention than the Penitentiary Act, and two years later Parliament made another attempt to rouse country justices to reform their prisons. A triad of bills were passed.[3] In the first place the old gaol-building act of William III. was re-cast and extended; magistrates were empowered by the revised statute to build new Gaols with all the latest improvements, and to mortgage the county rates for several years in advance, to raise the necessary

[1] 22 Geo. III. c. 64.

[2] Messrs. Crawford, Russell, and Jebb, and a still higher authority, Sir G. O. Paul, have interpreted this act as enjoining individual separation. I have deferred to their judgment, but still I am inclined to doubt whether anything more than classification is intended either by it or by 24 Geo. III. c. 54.

[3] 24 Geo. III. cc. 54, 55, 56.

funds: moreover, they were ordered to pay their gaolers by salaries "in lieu of the profits which are now derived from the sale of liquors."[1] The last clause sounds strange, seeing that prison-taps had been abolished three and thirty years before. However, in spite of past, present, and future abolitions, they continued to run freely for the next half century. This act contains a clause intended, it seems, to introduce separate imprisonment into Gaols, previous acts being applicable to Bridewells only; but it is difficult to determine from its sloppy language what species of criminals were to be placed in solitude. Taken in their most natural sense, the words appear to imply that not only convicted felons and misdemeanants, but untried prisoners and debtors also, were to be locked up, "as well by day as by night, in dry and airy cells." The second bill was little more than the building clauses of the preceding act so altered as to apply to Bridewells. The object of the third was to remodel the arrangement of the hulks and to revive transportation on what proved to be most pernicious principles. The hulks, which hitherto had only been the sleeping quarters of convicts sentenced to hard labour, were now changed into temporary receptacles for convicts sentenced to transportation, and the entire management of them was handed over to contractors. As it was not the express intention of Parliament to consign the convicts to starvation and nakedness, and to fatten the contractors, the experiment was a failure: the poor wretches in the hulks were henceforth in worse plight than even the prisoners in the old Gaols, especially as hard labour was commonly enforced; yet this system lasted for forty years. Possibly the government bestowed less care on the hulks, as it was hoped that the new plan of transportation now adopted would prevent large accumulations of criminals in them. The old-fashioned trade in convict slaves was abandoned in favour of a scheme for founding a penal colony, to consist of pure and unalloyed felonry, under the control of a judge, a gallows, a staff of taskmasters, and a handful of soldiers. The hopeful

[1] The old Bridewell Act of James I. ratified by the new Bridewell Act, assigned an allowance to *keepers of Bridewells;* but *gaolers'* salaries were legalized for the first time now.

project was duly legalized by acts of Parliament and orders in council, and an attempt made to found a settlement at Sierra Leone.[1] The convicts, however, died off so fast in that pestilential climate, that it was determined to transfer the colony to the land which Captain Cook had recently discovered—New South Wales; and in May, 1787, Commodore Phillips set sail from Spithead for Botany Bay, in charge of a convoy of seven transports laden with eight hundred felons, male and female, the founders of our Australian Empire.

This leash of bills became law while Howard was resting at Cardington. In November, 1785, he set out, inspired by a new "whim," to explore the lazarettos and hospitals of Southern Europe, and to study the plague in its two most deadly homes, Constantinople and Smyrna. In February, 1787, he returned to England, and within a month recommenced his circuits of gaol-inspection. For two years longer he laboured at his task, though not with the old energy. He was now a very life-weary man, brooding in constant sorrow over the wretched son for whose sake the much loved home at Cardington had been turned into a madhouse. In February, 1789, he published his last work, entitled "An Account of the principal Lazarettos in Europe," though the greater portion of the volume is devoted to prisons. His last account shows symptoms of his disheartenment. In a few counties, especially in Gloucestershire, Sussex, Lancashire, and Cornwall, the work was still prosecuted with intelligence and vigour. In other counties new Gaols were built with gross stupidity, combined sometimes with flashy extravagance. Those in London, erected to replace the old buildings burnt down by the No-Popery rioters, were as radically bad in their structure as before. Drunkenness, too, which was again increasing throughout the country, grew in Gaols far faster than elsewhere. Disgusting debauchery, dangerous riots, and frequent murders were the result. "No effectual reform," he writes, "will be made in our prisons till the root of the evil be cut off; which, from the closest observation, I am convinced is drunkenness." Pitt's government, now fully determined to press on the revived system of transportation, was careless

[1] The bill for this experiment amounted to 3721*l.* 13*s.* 6*d.*

about prison-reform at home. Howard was vehemently opposed to transportation: in his recent tours he had seen the prisons crammed with convicts awaiting removal, for the felons accumulated far faster than the government could export them. But the ultimate issue of the system angered him even more than this immediate evil; he saw that it involved the abandonment of his own project of Penitentiaries. "The gentlemen," he says, "who defeated the design [of penitentiary houses], and adopted the expensive, dangerous, and destructive scheme of transportation to Botany Bay, I leave to their own reflections upon their conduct." Five months after writing this he left England, not knowing whither he went, and never expecting to return. Following his old habits and instincts, he wandered from prison to prison and from hospital to hospital, till he reached Moscow. The accounts which he there heard of the fearful sickness and mortality among the Russian troops campaigning in Turkey, attracted him to the military hospitals at Cherson, in the hope of meliorating the wretched plight of the sick and wounded. While staying at this town he was pressed to visit a lady sick of virulent fever. He went, caught the infection, sickened, and died.[1]

The public interest in prisons, which had always been feeble, waned away after his death. There were a few districts, however, in which his reforms were still prosecuted, and his principles carried out, with vigour and success. The most notable instance was in Gloucestershire, where an energetic justice, Sir G. O. Paul, whom Howard had inoculated with his own zeal and doctrines, worked out a complete prison-system for the county.[2] Gloucestershire possessed five Bridewells, while Gloucester Castle and an old gatehouse in the city were used as common Gaols. Howard visited them all repeatedly, but ten years passed before his strictures stirred up any attempt to better their disgusting condition. One gleam, however, of human mercy did glance among the wretched prisoners in the interval. In 1776 Howard found in the Castle "twenty fines,[3]

[1] January 20th, 1791.

[2] I have given the history of the Gloucestershire experiment somewhat fully, partly on account of its importance, and partly because it presents a good idea of the difficulties attending prison-reform in the last century.

[3] *I.e.* prisoners too poor to pay fines.

who not having the county allowance nor any employment, were in September very pitiable objects indeed; half-naked, and almost famished. But in December their appearance was much altered. Mr. *Raikes* and other gentlemen took pity on them, and generously contributed to the feeding and clothing them." It is a noteworthy name that we stumble on in this quotation. Six years later this Mr. Raikes, bookseller at Gloucester, being vexed in his righteous soul at the filthy conversation of the young rabble in the streets, founded the first Sunday School. "Perhaps," as Howard himself said some years later, "his frequent visits to the Castle suggested to him this plan as the best means of preventing youths from coming there." At the summer assizes in 1783, Sir G. O. Paul read a strong sharp essay to the grand jury, urging an immediate and extensive reform of all the prisons in the county, in accordance with the Penitentiary and Bridewell Acts. Resolutions were accordingly passed in favour of "a reform on the general principle of separation," and a public meeting was convened to endorse them. Before this meeting Sir George propounded his plans and principles, which were enthusiastically adopted, and a committee appointed to carry them into effect. As the triad of bills mentioned above were at this time before Parliament, the committee suspended their proceedings, in the hope of receiving from them the legal power required to carry out their scheme. They proved insufficient, however, and the reformers were compelled to procure a special act[1] for the county. At the end of nine years (1792) the committee summoned a second meeting to receive the report of their completed work. The report was, in fact, an elaborate essay on prisons, with special reference to the Gloucestershire scheme, from the pen of Sir George Paul. He had been the head and heart of the committee, the draftsman of the bill, the financier who raised the funds, the clerk of the works at all the five new buildings, the author of the reformed system of discipline, the general visiting justice of the county, and the scapegoat on whose head were laid all the stupid anathemas that the scheme provoked. Four of the five new prisons were intended to serve as district Bridewells, the

[1] 25 Geo. III. c. 10.

fifth, which was built in the city of Gloucester, was a common Gaol and Penitentiary combined. The Bridewells were set apart for the reception chiefly of vagrants and persons summarily convicted of small offences. The discipline adopted was the same as in the Penitentiary, with some necessary modifications of the severer regulations. In the Gloucester prison the problem of discipline was most carefully worked out. The conjunction of the Gaol and Penitentiary was a serious difficulty. For the sake of economy there was but one chapel and chaplain, infirmary and surgeon, governor and staff; and thus the question of the respective powers of the sheriff and the magistrates, already hopelessly entangled by a series of careless, clumsy acts, became more intricate than ever. However, provisional expedients were adopted (for instance, the governor of the Penitentiary was annually appointed governor of the Gaol by the incoming sheriff), and in this respect the experiment worked more smoothly than was likely. The Gaol was made the receptacle for untried prisoners, felons under sentence of death, and debtors, three classes which the law still consigned to the sole custody of the sheriff. The discipline here was lax, for Sir George vehemently opposed the separate confinement of untried prisoners (a plan which had already found advocates), and the restriction of debtors beyond what was absolutely necessary for order and safe custody. The Penitentiary was modelled on the reformatory principles of Howard's Act. Convicts sentenced to imprisonment with hard labour and transports awaiting removal were the only inmates.[1] Two cells were allotted to each prisoner; the one to sleep, the other to work in. But the solitude was not by any means unbroken. The prisoners met in the chapel every morning, and in the evening, when work was over, before they were locked up, they were permitted "to walk for exercise and air, in the airing yards of the prison," in the presence of an officer, who was to see "that they did not stand still and frustrate the purpose of exercise by loitering in parties

[1] To the latter class Sir George's bill secured the not unreasonable boon that the term of their imprisonment should be deducted from the term of their transportation. Hitherto poor wretches had been kept in prison often for several years before removal, and yet the commencement of their sentence dated only from the day on which they went on board the hulk or transport-ship.

of cabal and conversation." The oppressive monotony of the solitude was further relieved by the frequent visits which the prisoners received in their cells—daily from the governor, schoolmaster and task-master (the last a trustworthy prisoner, chosen for the post), and almost daily from the chaplain. At the first establishment of the Penitentiary the prisoners were divided into three classes. After a probation in the first, or solitary class, they passed on to the second and third, in which a successive increase of association was allowed. But it was soon found necessary to abolish the association classes; for when "the prisoners were allowed to work in companies, the impression made on their minds during their former term of seclusion was immediately obliterated by idle conversation." Accordingly one uniform discipline was afterwards applied to all the prisoners; a discipline which in its main features—separation, labour (which was soon seen to be a boon, not a punishment, in the solitary cell), the disuse of irons, coarse but wholesome and abundant food, strict adherence to regular and kind treatment, and religious teaching—is precisely that now established again after the lapse of sixty years.

In laying his proposed "Laws and Regulations" before the bench, Sir George urged on his brother magistrates the paramount importance of their active co-operation to the success of the scheme. The immobility and stupidity of country justices had, in fact, been the great stumbling-block to prison reform throughout the country. In Gloucestershire the neglect of their duty as visiting justices, their careless inattention to the character and purpose of the prisons they had built, and their incurable propensities to jobbery, threatened to thwart the whole experiment. But for Sir George's spirited protest, the superannuated butlers and needy parasites of county magnates would have wheedled their patrons out of the governorships of the new prisons; and chaplains would have been charitably appointed, not according to their fitness, but the number of their children. His forebodings were partially verified by the result. In 1809 he read before the Court of Quarter Sessions a report on the working of the reformed system for the eighteen years it had been in operation. The success of the Penitentiary had been

complete; but abuses had grown up in the rural Bridewells. Ignorant, dishonest keepers and indolent chaplains had occasioned the failure in some instances, but in others the blunders of bucolic justices were chiefly to blame. They were systematically duped by parish officials into making wholesale commitments of lewd women with their infants: high morality was the plea, the old Bridewell Act the authority, dishonest economy of the poor rates the real reason for the practice. They indulged in the illegal habit of keeping culprits under remand for weeks, and often months together, to the great embarrassment of the Bridewell-keeper, who had no lawful power over, and no proper receptacle for, such prisoners: two-thirds of them, on the average, after prolonged false imprisonment were discharged as innocent, and even when the offender was at last fairly committed, the justice would frequently change his mind, and send a verbal and most illegal order for his release. They constantly confounded the legal distinction between a Penitentiary and a Bridewell, a felon and a vagabond, conceiving that their business was done when they had committed any prisoner to any prison. With such agents Sir George's system, which, in truth, was somewhat clumsy and complicated, had not a fair chance of success. However, well supported by the more intelligent magistrates, he was able with constant vigilance and expostulation to keep abuses in check. The Penitentiary under his constant personal superintendence was managed admirably. "It has succeeded," he said, in his evidence before a parliamentary committee, in 1811, "beyond the theory imagined by the original projectors of the system; far, indeed, beyond my most sanguine expectations." Punishment was unknown within the walls; the order and subordination were perfect; the moral character of the prisoners was palpably improved; recommittals rarely occurred; and many instances were ascertained of permanent reformation after discharge.

Yet eight years later Sir George had to tell another gaol-committee that the system was abandoned. The earlier part of the present century was marked by an increase of crime fearfully rapid. It is difficult to assign with certainty all the subordinate causes, drunkenness, of course, being still the chief

crime-breeder. The distress and discontent on the return of peace aggravated the evil; but it had commenced some years before, although the lavish war expenditure and the plethoric abundance of the currency had created a fictitious prosperity. Of course, the increase of population partly accounted for the increase of crime, but still the latter was out of all proportion to the former. The impossibility of enforcing the criminal law, which had now become a frightful congeries of capital felonies and outlandish barbarities, was afterwards shown to have fostered the growth of lawlessness. The game laws, too, and the poor laws, were begetting criminals far faster than the gallows, the Gaol and transportation could dispose of them. The breed of partridges with careful preserving had greatly increased, and, of course, the breed of poachers in direct proportion. In the agricultural counties a guerilla warfare was raging between the gamekeepers and the game-takers, while sporting senators in Parliament backed the former with fierce, but futile, acts for guarding preserves and intimidating marauders. The farmers, with fat-brained selfishness, had been for years back squandering the poor rates to save their pockets, blindly unconscious that what they saved in wages they paid in rates, and that their system changed their frugal labourers into parish paupers, lazy, improvident, and prolific. Perhaps, on the whole, the pauperism resulting from the bucolic administration of antiquated poor laws was the most potent producer of felony. The deluge of crime swamped the separate system at Gloucester. The Penitentiary had been built for seventy-two prisoners: it was forced to receive treble that number. Solitary confinement was perforce abandoned, and before long the Penitentiary became a disorderly, idle, godless prison of the common sort.[1]

About the same time and for the same reason, the separate system fell into disuse in two Sussex prisons, at Horsham and Petworth, where it had been used with equal success for a still longer period. The interest excited by a couple of visits from

[1] The increase of crime was not the only cause which led to prison-crowding; their own improved state had tended to the same result. Small-pox and fever no longer decimated the prisoners, and judges, now that their sentences did not involve the certainty of disease, and the probability of death, were less chary of committing to Gaol.

Howard occasioned the erection of the new Gaol at Horsham. The old Gaol was a filthy ruinous building, the insecurity of which had nearly cost Howard his life. "When I went in," he says, "with the keeper, we saw a heap of stones and rubbish. The felons had been two or three days undermining their room, and a general escape was intended that night. We were just in time to prevent it, for it was almost night when we went in. Our lives were at their mercy, but (thank God!) they did not attempt to murder us, and rush out." The Duke of Richmond, Lord Lieutenant of the county, at the autumn Quarter Sessions, 1775, laid before the bench plans for a new prison with separate cells. They were readily adopted; the work was promptly commenced, vigorously prosecuted under the potent supervision of the energetic Duke, and in less than four years, although a gaoler's house and chapel had been added to the original design, the sheriff was put in possession. This Gaol was the first prison on the separate system in the world; for though solitary confinement had long been in use in some Swiss prisons, it was only as an exceptional method of treatment in special cases. Very little is known concerning the details of the discipline at Horsham, but the success of the experiment is abundantly testified. Howard, and afterwards his follower, Neild, wrote of the prison with unqualified approbation. Lord Mansfield, who once inspected it at assize-time, and found it more than half-empty, used to tell the story of his own astonishment at the keeper's account of its reformatory power. "He said to me, 'This, my Lord, I can truly say, that I was twelve years keeper of the old Gaol, and have been near twelve years keeper of the present county prison. I can say further, that the new Gaol was built on a plan to contain the average number of criminals and debtors which the old Gaol was accustomed to hold in durance vile. But, my Lord, although in days of yore, my visitors were very troublesome, and very frequent in their visits to me—discharged at one assizes, and in prison again within the old walls long before the next—yet such, my Lord, is the effect of our solitary confinement, and of making a rogue think a little, and become acquainted with himself, that in the course of the last twelve years, I can solemnly declare before your Lordship,

that only one prisoner has been twice within these walls.' Good God, I replied, this language of experience is very forcible, and the fact ought to be more generally known."

The new Bridewell Act, which roused Sir George Paul in Gloucestershire, induced the Duke of Richmond and the Sussex Bench, notwithstanding the piteous petition of five hundred rate-payers, to erect another cellular prison at Petworth. In this prison the system was developed much further than at Horsham. Besides separate cells, there were separate boxes in the chapel and separate airing yards. The prisoner never left his cell throughout the day, except to join in the chapel service and to be aired for an hour. Attempts at communication were severely punished; precautions were taken against the transmission of sound, labour was enforced, religious instruction imparted, books abundantly supplied, and the chaplain visited from cell to cell; in fact the Petworth Gaol, on a small scale—it only contained thirty-two cells—was a complete anticipation of Pentonville. The magistrates, soon finding the potency of their new discipline, grew lavish in its application. Not only hardened criminals, but minor misdemeanants also, and even vagrants, were consigned to long terms of solitude, till at last they got a sharp hint from the House of Commons to be more chary in the use of their penal nostrum.[1] The system was maintained till 1816, and then the great increase of prisoners rendered a change necessary. Separation was abandoned, and a factory established in which the men worked in company: an immediate and thorough deterioration of the discipline was the result.

Gloucestershire and Sussex were the only counties in which the separate system was fairly tried in the last century. Several others imitated their example, obtained special acts, and built prisons on the reformed plan. But the imitations were generally clumsy and unintelligent: the actual buildings were fair copies, but either the discipline was absolutely rejected, or else some stultified version was adopted. More was thought of saving the county purse than of reformation, and discipline was constantly sacrificed to parsimony. Sixty years ago and later, too (for the fallacy revives again, in spite of past experience, about every ten

[1] Hansard's Debates, May 13, 1816.

years), the great magisterial idea was to make prisons self-supporting manufactories. Howard's labours had stirred up a philanthropic Babel of quasi-enthusiasm; but the ephemeral philanthropists spent their best energies in pestering him with proposals for a statue in his life-time, and in actually erecting an effigy when he was dead. In the House of Commons, however, there were several men actively anxious for prison reform. In 1789 they carried a cumbersome and rather futile bill, "For the more effectual execution of the laws respecting Gaols;" and two years later, "An act for the better regulating of Gaols and other places of confinement." This was a thorough measure—nothing less, in fact, than the extension of the Gloucestershire Act to the whole of England; but, from the first, it fell flat and useless to the ground. "If," said Sir George Paul, "it had contained an ordinance for committing to the flames the modern statutes for the construction and regulation of prisons, the purposes of these laws could not have made a less general progress, or have been more disregarded." To the end of the century, and, indeed, still longer, the cause of prison reform steadily retrograded. The idea of solitary imprisonment had from the first excited vehement prejudice: Coleridge merely echoed the popular sentiment when he wrote, in 1799,—

> "As he passed by Coldbath Fields, he saw
> A solitary cell:
> And the devil was pleased, for it gave him a hint
> For improving his prisons in hell."

The arbitrary conduct of Pitt's government aggravated this prejudice, and brought odium on prison management throughout the kingdom. As wholesale arrests for political offences occurred constantly, there were martyr-demagogues shut up—and generally in solitude—in every Gaol. The Radicals, of course, raged lustily at the sharp discipline—and Tory justices often made it cruelly sharp—which their incarcerated partisans endured.[1] Libels in

[1] The treatment of Gilbert Wakefield at Dorchester Gaol, for instance, created a great outcry. Mr. Lloyd, ex-usher of a private school in Liverpool, was the political prisoner allotted to Preston Gaol. His offence was a political poem; his sentence, two year's imprisonment, and a fine of 50*l*. Because his brother wrote him an indignant letter of condolence (which he never received, for the gaoler perused it on his behalf), the justices decided that he should pass the whole of his day-time in a solitary cell, naked of all furniture but a Common Prayer-Book. He was not relieved from this extra-judicial punishment till his health was irretrievably injured.

pamphlets and newspapers, riots in the streets, indignant speeches from Sir Francis Burdett and his clique in the House, checked most effectively the progress of prison reform. The Gloucester Penitentiary was the favourite topic of the libellers, the Coldbath Fields Prison of the orators. In the latter case there was just cause of complaint: Aris, the governor, was a brute of the old stamp.

Two years after Howard's death, Jeremy Bentham proposed a Penitentiary on a new plan, curiously compounded of semi-sound principles and absurd details. By means of constant inspection, inducements to industry and a little religion, he undertook to reform criminals at a cheap rate. To work out his theory, he proposed to erect a circular or polygonal building, with cells and work-rooms, story above story, on the circumference, and in the centre a chamber, from which every portion of the edifice could be overlooked incessantly. For this purpose the cells were to be all open inwards, having an iron grating instead of a wall. As "the sentiment of a sort of invisible omnipresence" was supposed to be at once a sure guarantee for safe custody and an irresistible reforming agency, he proposed by a combination of reflectors to keep the prisoners under continual inspection, even by night. In the central Argus-chamber the prison-officials were to be stationed, constantly observing the convicts, and the general public was to be freely admitted to participate in the inspection. The dangerous classes, in particular, were to have free access to the peep-holes, that thieves *in posse* might take warning by contemplating the piteous plight of thieves *in esse*. Unseen themselves, the visitors were to watch, and even converse with the prisoners; for by an elaborate machinery of tubes and speaking-trumpets, he intended to establish oral communication between the central chamber and the cells in the circumference. There were objections to this device: the same tubes, down which the benevolent were to propel sympathy and advice, would, of course, be equally useful to the disconsolate mates who wished to transmit larcenous, not to say felonious, messages: on the other hand, the prisoner might unwittingly shoot the complaints or secrets, intended for a philanthropist or a pal, into the ear of the governor or turnkey. These difficulties were overlooked; but as

mechanical impossibilities prevented the experiment, this was of little importance.[1]

The management of the "Panopticon," as it was called, was to be intrusted to a magistrate-contractor—Bentham volunteered his own services—with paramount authority and a pecuniary interest in the establishment. He was to contract to keep and reform his convicts at so much a head, making (with some deductions) what profit he could out of their labour. Bentham asked for a thousand prisoners, and reckoned that at first the annual allowance for each must be on the average 13*l.* 10*s.*; but out of this he undertook to pay interest at five per cent. on the original outlay of 30,000*l.*: eventually he hoped to make his system self-supporting. The convicts were to be formed into little industrial guilds for mutual instruction, and with some faint semblance of self-government. Part of their earnings was to accumulate for their own benefit, part was to be paid as compensation to the persons injured by their crimes, part was to defray the cost of their maintenance, and the remainder to constitute the contractor's profit. A chaplain was to be appointed to give a religious leaven to the system, and on Sunday, "la loge centrale s'ouvre, le public est admis, le culte est approprié à la nature de l'établissement: une musique grave ajoute à l'impression des solemnités religieuses."[2] To complete the scheme, there was to be a subsidiary establishment, in which the discharged convict was to pass through an intermediate state of mitigated discipline before regaining his full liberty. Bentham was so convinced of the infallibility of his Panopticon, that he offered to become surety for his discharged prisoners on a scale of securities graduated according to the length of their imprisonment.

Bentham laid his scheme before the Government, which, attracted by its vaunted economy—"25 per cent. cheaper than the hulks"—gave it a favourable reception, and brought a bill[3] into Parliament to authorize a contract with its originator. The

[1] The communication-machinery was the invention of Jeremy's brother, General Bentham: indeed, all the architectural and mechanical parts of the scheme were due to him.

[2] Mr. Mill added the suggestion that the contractor should introduce attractive music, hire a popular preacher, pew the vacant space in the area of the Panopticon, and make the religion pay by letting the seats. (Article on Prisons in "Britannica Encyclopædia," edition of 1823.)

[3] 34 Geo. III. c. 84.

bill passed after some needless delays, but Bentham, who had fretted impatiently at its tardy progress, was no nearer the accomplishment of his project. The act was only a prelude to a long series of exasperating difficulties with which he was destined to contend before the scheme finally ended in smoke.[1] A marsh, not to say quagmire, near Vauxhall Bridge, was purchased as a suitable site for 12,000*l.*; and a grant of 2,000*l.* more made to Bentham, with which to commence his building. This sum, and no little of his own private fortune besides, was spent in making experiments in optics and acoustics, which infallibly demonstrated the futility of his projected mechanism; and this negative result constituted the sole issue of his labours.

Once the main part of this design was near realization. The Finance Committee, which, a few years later, produced a mass of blue-books on the state of the nation, in their twenty-eighth report (1798), strongly urged the immediate erection of the Panopticon. Their investigations had shown that transportation and the hulks were equally pernicious and almost equally expensive: it cost 180*l.* to transport a felon, and nearly as much to send him to the hulks. Accordingly, on their urgent recommendation of Bentham's plan, "as likely to produce the most essential advantage both in point of economy and police," Parliament voted 36,000*l.* for the fulfilment of the contract.[2] The next ten years were spent in controversial correspondence and various other modes of doing nothing. At last, in 1811, Sir Samuel Romilly, who had discovered the close connexion between prison reform and his own great project of criminal law reform, stirred up the House of Commons to a complete reconsideration of the whole subject of Penitentiaries. A committee was appointed, and Bentham and Sir George Paul summoned to

[1] "To W. Wilberforce, Esq.—Kind Sir,—The next time you happen on Mr. Attorney-General [N.B. Sir John Scott, afterwards Lord Eldon], in the House or elsewhere, be pleased to take a spike—the longer and sharper the better—and apply it to him, by way of *memento* that the Penitentiary Contract Bill has, for I know not what length of time, been sticking in his hands; and you will much oblige your humble servant to command, JEREMY BENTHAM. N.B.—A corking-pin was, yesterday, applied by Mr. Abbot." Wilberforce thought that it was the cruel worry about his Panopticon which soured Bentham's temper.—(Life of Wilberforce, II. 172.)

[2] 39 Geo. III. c. 114. The Finance Committee was not solitary in regarding Bentham's plan as feasible; many able writers took the same view. See, for instance, Colquhoun's "Treatise on Police," pp. 481 et seqq. (7th edition.)

give evidence as the respective advocates of Panoptica and Penitentiaries. The latter was victorious; Bentham's project was rejected, the contract with him repurchased, and the proposal of the committee to erect a "Metropolitan Penitentiary" —in the course of debate it grew into a "National Penitentiary" —on the principles of Howard's Act, was adopted. An act for the purpose, called from its author Holford's Act, was passed, and the building at once commenced. A modification of Bentham's ground-plan was followed, and most unwisely the swamp purchased as the site of the Panopticon retained.

The buildings, when completed, consisted of six converging pentagons, with a chapel standing in the central hexagon formed by their bases. They covered eleven acres, and were surrounded by a huge octagonal wall, three-quarters of a mile in circumference, enclosing sixteen acres. From first to last, adding the expense of subsequent alterations to the original cost of erection, the whole outlay has been full 700,000*l.*: the marshy ground sunk repeatedly under the weight of the edifice, and 70,000*l.* or 80,000*l.* were spent in concrete foundations alone. Part of the building was opened for the reception of convicts in 1816; the whole was completed in 1821, and then, with a special constitution resting on three acts of Parliament, the new system was commenced in all its completeness. Calamities began almost simultaneously. Built on a swamp, in the midst of damps and smoke, exhalations from Thames mud, and circumambient stenches from neighbouring gas-works, bone-houses, &c., there is always a potential epidemic lurking in this prison, ready on very little provocation to break out into actuality. The winter of 1823 was unusually long and severe: at the same period the prison dietary was lowered; the meat allowance, for instance, from six ounces apiece to a decoction of one ox-head among a hundred men;—the fact was that the full-fed felons were growing fat and lazy, and the papers clamouring about penitential feasting. In consequence of one or all these causes, unhealthiness of site, severity of winter, or curtailment of rations, a virulent epidemic broke out. The authorities, in alarm, transferred the prisoners to hulks and hospitals: the prison itself was "fumigated with chlorine," and all the devices for ventilation, &c.

that Sir Humphrey Davy, Faraday, and Smirke, the architect, could suggest, were introduced. Slowly and cautiously the prison was refilled, and with great care sickness and mortality among the prisoners were for the future so far repressed, that, on the average, the deaths were only quadruple the number in most other prisons. During the last few years, no pains have been spared to prevent disease: anxious care, for instance, is taken to render the discipline as little irritating and oppressive as possible; free and sufficient exercise is afforded to the convicts; artesian wells have been sunk to avoid the use of Thames water; and these efforts have been rewarded by a considerable decrease of sickness and insanity. But every epidemic that visits London shows a significant partiality for this prison. In the cholera-year (1849) the male convicts died at the awful rate of ninety-three in a thousand. Since 1823 it has twice been found necessary partially to clear the prison of its inmates.[1]

Owing to its unhealthiness and other causes, the character of the "General Penitentiary" underwent, by degrees, a complete change. At first it was intended as a reformatory prison, where criminals were to undergo imprisonment (for terms ranging from five to ten years) in lieu of transportation. At this period of its history, the same mistake was committed into which Sir George Paul had fallen in Gloucestershire:—after working in solitude for some months the prisoners were congregated in labour-companies. A Nottinghamshire magistrate, the Rev. John Becher, under whose management an admirable Penitentiary had been established at Southwell, had been one of the witnesses examined before the committee in 1811. In this Gaol the prisoners were separated at night, but during the day they were associated in batches of five each, to labour partly for their own, and partly for the county's benefit. This plan had been very successful, and the committee, divided in their admiration between the Gloucester and the Southwell systems, compromised the matter (in spite of Sir G. Paul's experience and advice) by amalgamating the two; the prisoners were first to be tamed by the severer, and then enlivened, preparatory to discharge, by the gentler discipline. But the evils of this plan

[1] In 1839 to Shorncliff barracks, and 1854 to Dorchester barracks.

became so evident that in 1832 associated labour was abandoned. Shortly after this, it was determined to try the experiment of a religious discipline, and the offices of governor and chaplain were amalgamated into one. This unwise project for spiritually drilling the felons into repentance was, of course, a failure; the incidental circumstance that the discipline was over-tinctured with the views of one particular school did not increase the chance of success. The terrors of the law were abundantly preached in the chapel, tracts were diligently circulated in the wards, and the turnkeys transformed into Scripture-readers, and sent on pastoral visits from cell to cell.[1] Of course all the readiest rogues played the inevitable game, donned a sanctimonious demeanour, and curried favour by hypocrisy; while a few of the weaker sort went mad under the combined influences of solitude, malaria, and Calvinism. However, in course of time the offices were divorced, and the governorship entrusted to a soldier. About the same time other supposed mistakes were corrected. Originally the prisoners possessed the privilege of earning premature liberation by "extraordinary diligence and merit;" this boon was believed to act as a premium to hypocrisy and for the present abolished. The practice of giving the prisoners both a share in their prison-earnings, and gratuities for good conduct after their discharge, from which at one time great results had been expected, was likewise pronounced pernicious and experimentally abandoned. The fallacy, too, of giving the officers a pecuniary interest in the convicts' labour, which ever since Howard's time had been regarded as an axiom, was at length discovered, and ceased to be an article in the code of the Penitentiary and in the creed of prison-disciplinarians. After continual changes and a succession of acts passed for the especial benefit of the prison, the management was, in 1843, completely reorganized.[2] The name "General Penitentiary" was changed to "Milbank Prison," and from that time it has been used almost entirely as a depôt for convicts. The average number of inmates is 1,100, the full complement 1,300;

[1] It is only fair to note that the multiplicity of duties laid on the governor-chaplain almost precluded his own personal ministration.

[2] Under 6 and 7 Vict. c. 26.

the system is a compound of solitary cells and silent workrooms; the solitary period is shortened as much as possible, for six months of solitude in Milbank malaria is the utmost which a prisoner's health can endure. But whether in solitude or association, since 1843, convicts have seldom been kept long at Milbank; with as little delay as practicable they have been drafted off to the hulks, the colonies, the public works, or the cellular prisons.

Romilly's motion, in which the Milbank Penitentiary originated, was one of the first symptoms of a revival of public interest in prisons. Since the Bill (1794) relative to Bentham's Panopticon, Parliament had done nothing except periodically revive Howard's Penitentiary Act when it became necessary; and even that was now forgotten and extinct. Throughout the country the spirit of improvement languished here and there an old Gaol was rebuilt or remodelled; but very few attempts were made to introduce a better discipline. Occasionally some active magistrate undertook a crusade against the prison abominations in his own district, and effected a partial and temporary reform. For instance, in 1807, Sir Richard Phillips, a London publisher and journalist, who had once passed eighteen months in Gaol himself for selling Tom Paine's "Rights of Man," being appointed one of the Sheriffs of London, immediately instituted a thorough inspection and purgation of the City prisons and lock-ups. By the publication of a sharp letter to the Livery and Council of London on the State of their Gaols, he roused them to—refer the matter to a sub-committee.[1] He also succeeded in inducing Sheridan to bring before the House the vile practices at Coldbath Fields, where Governor Aris, in spite of the hubbub Sir Francis Burdett had stirred up against him seven years before, still clung to his office; now, however, he was finally ousted. But the man who kept the cause of prison reform alive during this period of flagging interest was James Neild, a Buckinghamshire magistrate, Treasurer of the Debtor's Relief Society.[2] In the year 1800 Neild, though already in his fifty-seventh year, set out in the style of Howard on a

[1] Their report was a most excellent one, but it produced no actual amendments.

[2] *Vide* p. 41.

British gaol-commission, and for the next eleven years he plodded in annual circuits of inspection over England, Scotland and Wales. In 1812 he published the result of his labours, under the well-known title "State of Prisons." His book, a bulky quarto, was in type, appearance, arrangement, and matter, an exact copy of Howard's.[1] In fact Neild had imitated his great predecessor with scrupulous precision; indeed, in care, diligence, honesty, minute accuracy, and in sterling benevolence, he was no unworthy disciple; but the concentrated energy, instinctive sagacity, and marvellous self-oblivion of Howard, were more than the worthy justice could rival. An orthodox censor of obvious abuses, but not a keen detector of hidden abominations, his visitations were scarcely formidable and his scrutiny was easily baffled. Some useful prosaic good he accomplished by keeping prison-officials on the alert and in preventing backslidings. His unromantic labours furnished no talk to the town nor paragraphs to the newspapers, kindled no enthusiasm, and inaugurated no reform. He and his gaol-commission are now almost forgotten.

For the next five or six years, though the interest of the public and the exertions of the reformers were steadily on the increase, the actual progress of improvement was almost at a standstill. The General Penitentiary was rising but slowly on the banks of the Thames, for the foundations periodically gave way, towers fell down, walls cracked, and many a grant was sucked in by the marshy ground before a firm bottom was found. As to other prisons, the majority remained in the old state,—the inmates herded together in sweltering vice, mutual corruption their only occupation. Heavy irons were still in use not only for men, but also for women—not only for tried, but also for untried prisoners.[2] Filth and over-crowding were still

[1] With one notable exception, however. Neild indulged himself in his own portrait by way of frontispiece. Shy Howard never would sit for his likeness—positively refused and railed roundly at "the pack of draughtsmen, painters, &c. who lay in wait for him." At the time of the statue-worry the artists became a nuisance, even to the extent of hunting and dodging him in the streets. Sometimes he would call a coach and drive off to escape them; at other times—for there was a flavour of humour in the man—he would baffle a detected sketcher-in-ambush by making grimaces. —*Howard's Letters*, edited by Field, p. 137, note.

[2] "On their first reception [at Reading Gaol] the prisoners are *double ironed;* on being locked up in their cells at night

common, small-pox and typhus fever constant residents in many Gaols. Brutal gaolers still starved and maltreated their prisoners, and often with entire impunity. From time to time some case unusually atrocious came to light. For instance, in 1811, a poor debtor in the Marshalsea died of sheer hunger and nakedness. The turnkeys hid two shillings among his rags to mislead the coroner's jury, but the trick was detected, a hubbub ensued, and Lord Holland brought the case before the House of Lords.

In December of the same year, the murders of the families of Marr and Williamson created a panic outcry throughout the country at the increase of crime and the insufficiency of the police; and when Parliament met in January there was an eager debate on the subject. A nugatory committee and a barren report were the only immediate results: but the discussion elicited vehement denunciations of the state of prisons and the hulks, which were not soon forgotten. The condition of the hulks was more disgusting even than that of the prisons. On board all of them there was horrible vice (though generally it was hidden even from the officials), and in some great suffering. Neild's report on *La Fortunée* is a duplicate of Howard's report on the *Justitia* thirty years before. The presentation of Neild's report to the Government occasioned the appointment of an official inspector (1802), who checked the worst malpractices of the contractors, and subsequently, by slow degrees, other amendments were effected; but at this period they were still reeking receptacles of lust and misery. In these "floating hells" religious ministrations were, of course, almost barren; moreover, the sanguine simplicity that was sometimes shown is nearly in-

they are chained in bed, the chain being fixed to the floor of the cell, and fastened to the leg-fetters of the prisoners. In this way they are locked up at seven o'clock in the evening, or at sunset; they remain in this state until six o'clock the next morning; and as there are but two gaol-deliveries in the year, this treatment of the untried prisoners may unhappily continue for nearly six months together.—(*Report of the Prison Discipline Society*, 1823, p. 3.) "A female convict from Cardigan Gaol, on her way to the hulks, was brought into Newgate very recently, chained in a most shameful manner. The chain was fastened by the usual ring and iron bolt to her leg above her ancle, it was again attached to her thigh, a little above the knee, and the end of it was fastened by a cord round her waist; to the cord was attached a pair of handcuffs. The convict herself declared she was kept in chains during her term of more than a year's imprisonment."—(*Ibid.* p. 54.)

credible. Implicit faith was put in the potency of the Catechism, and in one hulk they tried to convert the debauched rogues by setting them to learn by rote the Thirty-nine Articles and the Homilies.[1]

And so the cause of prison-reform continued to flicker till Mrs. Fry's mission to Newgate became the talk of the town and the topic of the platform. To the knot of philanthropic Quakers,[2] of which eventually she formed the centre, is fairly due the credit of first re-awakening a general interest in the state of Gaols throughout the country. In February, 1813, William Allen, Stephen Grellet, the noted American Quaker, and two other Friends, visited the criminals in Newgate. On entering the female side they were shocked and sickened at the disgusting condition of the blaspheming, fighting, dram-drinking, half-naked women crowded, with their wretched children, into the yards and wards. The sufferings of these miserable creatures in the bitter winter of 1812–13 were pitiable in the extreme. Mrs. Fry was already a spiritual dictatress among the Quakers: her aristocratic connexions, her husband's wealth, her thorough goodness, and her peculiar gift of exhortation, had made her one of their most prominent ministers. To her the four Friends applied. Accompanied by only one lady she paid three visits to Newgate and distributed some coarse clothing among the women: on the third visit the two ladies had the moral courage to kneel down and pray in the midst of the rabble. "I heard weeping," wrote Mrs. Fry afterwards in her journal, "and I thought they appeared much tendered; a very solemn quiet was observed; it was a striking scene, the poor people on their knees around us in this deplorable condition." But nearly four years passed before she resumed her ministrations. By that time prison-discipline had become a family subject: one brother-in-law,

[1] Vide Chaplain's Report on the *Bellerophon* Hulk, 1818.

[2] The Quakers could cite the example of their founder as a sanction for their crusade against prison-evils and the gallows. George Fox, while he lay in Derby Bridewell, was shocked at the results of promiscuous herding in prisons, and his heart melted at seeing young girls taken out to be hung for theft. Accordingly, in a letter to the judges (1651), he took up his parable against both iniquities—"showing how the prisoners learned wickedness one of another in talking of their bad deeds: . . . showing how it was contrary to the law of God in old time to put people to death for stealing." (Journal. 7th ed. vol. i. p. 96.)

Samuel Hoare, was busy reforming at Coldbath Fields; another, Fowell Buxton, was preparing to pamphleteer on the question generally. About Christmas, 1816, Mrs. Fry and a friend, Mary Sanderson, obtained permission to try the experiment of discipline at Newgate. An unoccupied cell was placed at their disposal, and in this they established a school under one of the prisoners whom the rest elected as schoolmistress. Other ladies presently joined in the work, and in April, 1817, eleven Friends and a clergyman's wife formed themselves into an "Association for the improvement of female prisoners in Newgate." Their first step was to draw up a code of rules, to which the women were induced to promise obedience. They then procured materials for employment, formed the prisoners into working companies, found a market for their productions, provided them with decent clothing out of their own earnings, and established schools and Bible-classes. By these measures the savage rabble was soon reduced to decency and order: the city dignitaries and prison officials could scarcely credit what they saw. In autumn a letter by Robert Owen, published in all the newspapers, drew public attention to the Newgate ladies. The visitors, who were already numerous, increased and multiplied: on the two public mornings in the week parties of inspection streamed through Newgate; fashionable philanthropists, benevolent aristocrats, members of parliament, cabinet ministers, royal dukes and duchesses, flocked to the philanthropic show, and the experiment was swamped in its success.

But though, while the furor lasted, the work at Newgate was vulgarized and nullified, this publicity was of considerable use. That popular interest, for lack of which the progress of prison-reform had hitherto halted, was at length fully aroused. Mrs. Fry had all the qualities necessary for utilizing the motive-power she had evoked. Shy Howard had not been the man to create that hubbub of benevolence, that stir of religious excitement, without which no philanthropic project is ever effectually launched in England. But the stately composed Quakeress, with her natural faculties fully developed by her peculiar training as an accepted leader in her sect, equally at her ease when expounding to her Bible-class or haranguing a public assembly,

was precisely the exponent which the cause had so long needed. She had a certain power of fascination which commanded attention and respect in every class of society; and she was far too sincere to waste on personal vanity the influence which her popularity conferred. Her religion, though often demonstrative and obtrusive, was so palpably unassumed and genuine that it obtained universal acknowledgment. Calmly confident in her own infallibility, and in her direct inspiration—for on this point she thoroughly accepted the creed of her sect—she unconsciously assumed a position of plenary authority among her select followers, and a tone of placid dogmatism with the general public. Her nursery and her housekeeping were scarcely so congenial as her public pursuits. Although a most affectionate wife and mother, she loved to obey the constant "calls" which necessitated long absences from her husband and children. After the excitement about Newgate had subsided, she began the practice of making, almost every year, religious and philanthropic tours, in which special quaker-meetings and prison-inspections were the principal objects. Some minor celebrity, generally her brother, J. J. Gurney, and a small staff of co-religionists, accompanied her. England, Scotland, Ireland, and most of the continental states were thus repeatedly visited. Wherever they halted a series of religious fêtes commenced: public meetings were called which Mrs. Fry and her attendants addressed and exhorted; ladies' committees were formed; parties of "sweet and delightful" people visited the prisons; in the evening private levées were held for the discussion of religious or, if the company was less select, philanthropic subjects. At the conclusion of the tour their proceedings, especially their prison-experiences, were duly published by the chronicler of the party. Mrs. Fry enjoyed with quiet zest the public homage and aristocratic patronage which she everywhere received, though constant suspicions of potential worldliness somewhat marred her pleasure: self-admonitions against pride, and notes of interviews with statesmen and princes, alternate in her journals. But her character was far too genuine to be deteriorated by publicity and adoration. Up to the last, when she had acquired world-wide fame,—when she had been an honoured guest in

half the royal palaces of Europe,—when she numbered kings and queens among her correspondents,—she was still as sincere, kindly, and indefatigable as ever. Her ministrations at Newgate were continued with conscientious and laborious zeal till within a few years of her death. She never left her religion behind her, never sacrificed one iota of her spiritual punctilio in the courtliest society. She believed that she had a call to bestow advice and tracts on religious potentates, cabinet ministers, and royal families, and she obeyed it with the most pertinacious honesty.

The direct help which she gave to the cause of prison-reform was less than what she gave indirectly. Her example and success called into existence a numerous progeny of "Ladies' Prison Associations." There was soon hardly a large prison in England without a ladies' committee, patronizing, lecturing, teaching and philanthropically drilling the female prisoners. The majority of these committees had only an ephemeral existence, though a few continued in operation for many years. After making large deductions for exaggeration and credulity in the records of their achievements there is still a considerable residuum of work well and successfully done.[1] The sum total, however, of all done by all the ladies' committees will not bear comparison with the labour endured and the success obtained at Yarmouth Gaol—one of the foulest and most neglected in the kingdom—by one poor, frail, half-educated dressmaker. At nineteen years of age this dressmaker,—bowed down with deep repentance for the sins of her youth, of which inordinate novel-reading had been the worst,—in very meek fashion devoted herself to God. Nine years' apprenticeship she spent in teaching the degraded inmates of the parish workhouse, and while still thus engaged "the word of the Lord came unto

[1] In Mrs. Fry's time it was not yet known that the class of women among whom she laboured is peculiarly impressible. Probably there was little imposture among the Newgate females, but the conversions were generally only skin-deep. The ladies undoubtedly overrated their success. In October, 1833, there appeared a letter in the *Times* describing the bad conduct of girls, fresh from the Newgate Bible-classes, on board the *Amphitrite* transport-ship. Mrs. Fry was much hurt by this letter and impugned its truth, but its substantial accuracy is beyond question. (See Abp. Whately's "Second Letter to Earl Grey," Appendix IV.)

her." Hearing in August, 1819, of a savage vixen being sent to prison for beating her child, she asked permission to visit her, persisted against all refusal, and at length obtained her wish. "When I told the woman, who was surprised at the sight of a stranger, the motive of my visit, her guilt, her need of God's mercy, &c., she burst into tears, and thanked me, whilst I read to her the story of the penitent thief." Whereupon the God-fearing sempstress took counsel with herself, and calculated that by working harder on the other five days and by strict economy of her little patrimony (200*l.*) she could spare one day a week for the Gaol. Presently, finding there was no worship on the Sunday, she established two services, acting as ministering deaconess herself; which custom she continued for the space of twenty-three years, "and never missed a Sabbath-day." For some time she had no help of any kind, for, fearing lest her friends would shrink from her if they knew her intimate acquaintance with the vermin, scrofula, and stench of the Gaol, she kept her proceedings as secret as she could. The one day a week soon became two or three, but after some years her health, under this toil, added to dress-making, Sunday-school teaching, workhouse ministrations, evening classes, &c., began to fail. In this strait she determined to give up her millinery and accept, as God's wages, just enough to support her of the many presents pressed on her acceptance. Then, as by degrees the rest of her missions were undertaken by other labourers, she devoted her whole time to the prisoners; teaching them, praying with them, gathering alms for them, providing them with employment during imprisonment, and if they needed, the means of honest livelihood when discharged. And all this simply, quietly, with no hope of praise or reward; shrinking with repugnance from pecuniary recompense,—esteeming it a sore affliction when at length municipal bounty coarsely forced upon her a salary—*posteri negabitis*—of 12*l.* a year;—shrinking with still greater repugnance from platform patronage and publicity of all kinds. At length her strength gave way; yet for many weeks after she was quite unfit for the task she would rise from her bed in the middle of the day, creep down to the Gaol, and creep back again when wearied out. On the

17th of April, 1843, she tottered home for the last time, lay down on her sick-bed never to rise again, and in August thanked God and died. No periodical or other reports of the results of her labour were ever published by her; though difficult to estimate they are not easy to exaggerate. This editor has a very sincere, though decidedly qualified, reverence for the great Quakeress and her public piety, but in his catalogue of prison-evangelists the name which stands next to John Howard is, not Elizabeth Fry, but Sarah Martin.

But Mrs. Fry's labours left results more permanent than the creation of ladies' committees. It was she who firmly established the principle that none but women should be employed in the superintendence of female prisoners; she did more than any one to introduce Christian faith instead of the religionized philosophy of Bentham and his disciples, as the essential basis of reformatory discipline;[1] and she was the first to meliorate the condition of female convicts on board the transport-ships and in the Colonies. These improvements constitute her direct contributions to the development of penal discipline. Her system of Bible-classes, conducted chiefly by volunteer teachers, was, of course, ephemeral. In the later part of her life her exertions were of little importance. She adhered to her own plans long after their transient usefulness was at an end, and with placid pertinacity and very feeble logic, lectured, memorialized and corresponded against the separate system to the last.

But her indirect assistance to the cause was of much more importance. Her well-timed exertions stimulated the languid but increasing interest in prison-discipline into immediate and extensive activity. She proved an invaluable ally to the parlia-

[1] The ablest exposition of the Benthamite system is contained in the article on prison-discipline written by Mr. Mill (1823) for the "Encyclopædia Britannica." In this article, able as it is in all, and true as it is in many, respects, religious influences are almost ignored, and the creation of industrious habits is upheld as the great reformatory agency. At this time the prison-disciplinarians had branched off into the three sects which still exist, their respective principles being: (1) to reform by industry (the Benthamites); (2) to reform by religion (Mrs. Fry's school); (3) to deter by punishment (Sidney Smith and all writers who trust to their "common-sense" and their ignorance). Of course each sect *partially* adopted the principles of the other two.

mentary Evangelicals, Wilberforce, Fowell Buxton, &c., and, indeed, to the whole communion of benevolent innovators. Fired by her example, the Clapham sect in particular, and the philanthropic world in general, elevated prison-discipline, and the mitigation of the penal code, into co-equality even with the abolition of slavery. The natural connexion between prison-reform and criminal law reform had already been seen, and the alliance between them was now firmly compacted. The rapid increase of crime—within twenty years the number of convictions had been doubled—gave both subjects a terrible importance. The first reformers of criminal law concentrated their efforts on the attempt to diminish capital punishments. As early as 1808 a society was formed by William Allen, Basil Montagu, Sir R. Phillips, and others, to carry out this object (and also the improvement of prison-discipline), and in May of the same year, Sir S. Romilly made his first motion on the subject in Parliament. Ever since the miscarriage of the bill proposed by the Committee on Crime in 1752, the principles which Paley advocated had been steadily followed in English criminal law. The security of society was constituted the paramount object, and accordingly punishment was made proportionate, not to the criminality of the offence, but to the facility of commission and the difficulty of detection. On this principle such crimes as stealing calico from a bleaching ground, or cutting a hop-band in a plantation, were made capital felonies. The addition early in the century of every conceivable kind of forgery, swelled the death-list to two hundred and twenty items; in fact half the prisoners at the assizes were tried on capital indictments. Of course the system broke down. Judges, juries, counsel, witnesses, and prosecutors, tacitly entered into "amiable conspiracies" to avoid capital convictions. Capital felons found themselves a privileged class: for offences of moderate villany they might safely rely on the mercy of a court which had no alternative between acquittal and the gallows. Ingenious juries sometimes employed strange devices to escape from the horns of the dilemma.[1] Still many hundreds were yearly sentenced

[1] *E.g.* Elizabeth Hobbs was tried in September, 1732, for stealing in a dwelling-house one broad piece, two guineas, two half-guineas, and forty-nine shillings

to death. The Government pursued the plan of hanging the worst criminals—murderers, extensive forgers, highway robbers, &c.—and also a selection of the lesser criminals, by way of example, while they commuted the sentences of the rest to imprisonment or transportation. This practice was in accordance with another principle propounded by Paley, that sanguinary laws, mercifully administered, were most effectual for the prevention of crime. Romilly adopted the opposite philosophy of Beccaria and Blackstone, that a merciless code is provocative of crime, and that certainty, not severity, of punishment is the surest means of repression. Foreseeing the brawling clamour of Conservatism which his scheme would excite, he cautiously planned to repeal the most barbarous statutes one by one. In 1808 he confined his proposal to the repeal of a virtually obsolete statute,[1] which made pocket-picking, above the value of a shilling, a capital felony. By submitting to a trifling alteration in the preamble of his bill, he procured the repeal of this act. The next year he merely moved for certain criminal statistics, on the strength of which he undertook to propose further repeals in the following session. In February, 1810, he redeemed his promise, by bringing in three bills to repeal as many old acts,[2] which punished with death the crimes of "privately stealing in a shop goods of the value of five shillings; or, in a dwelling-house, or on board a vessel in a navigable river, property to the value of forty shillings." They passed; with some amendments, through the several stages, but when the report was brought up, a long debate ensued in a very thin House, on the bill to abolish hanging for larceny in a dwelling-house. The ministry had mustered in force to oppose it; a cry of alarm at "revolutionary principles" was raised, and Windham, as the exponent of Conservative paradox, reminded the House that the French had beheaded their king as a *grand finale*, and then abolished capital punishment. The consequence was that eleven members joined the ministerial staff of twenty-two, and the bill was rejected by a

in money. She confessed the theft. The jury brought her in guilty, but found that the money taken was worth only thirty-nine shillings. Stealing to the value of forty shillings was a capital offence: hence the "pious perjury."—(ROMILLY *on Criminal Law.*)

[1] 8 Eliz. c. 4.

[2] 10 and 11 Will. III.; 12 Anne; 24 Geo. II.

couple of votes. The bill concerning shop-lifting, however, was suffered to pass the Commons without a division, the Government not venturing to oppose it there; but, by a sharp ministerial whip it was, in spite of Lords Holland and Lansdowne, defeated in the Upper House by three to one—six courtly Bishops and an Archbishop voting in the majority. The third bill was smothered in the press of business at the end of the session; and for that year Sir Samuel was forced to content himself with a new grant of powers to gather in fresh statistics.[1] In another respect also he met with a temporary defeat. His reform of the criminal law necessarily involved a reform of prisons; indeed, he had proposed solitary confinement as a substitute for death. Accordingly, a few days after the defeat of his first bill, in a brilliant speech, in which he resuscitated the penal principles of Howard and Blackstone, and forcibly exposed the evils of Gaols, the hulks, and transportation, he moved an address to the King, praying him to put in force Howard's Penitentiary Act. This motion, too, was lost in a thin House by a small ministerial majority. The following year, however, the ministry themselves took up the matter, and a committee on Penitentiaries was appointed. The result, as already narrated, was the erection of the Millbank Prison.

The same year Romilly carried the abolition of capital punishment for stealing calico from a bleaching ground, and in 1812, the repeal of an act of Elizabeth, which consigned to the gallows all soldiers and sailors found wandering about the realm without a pass. Some subsequent attempts to repeal various barbarous statutes were also successful: but he never could abolish the three statutes mentioned above. Year after year he renewed the attack, but though the repealing bills generally passed the Commons, they were invariably thrown out by the Lords.

But the reform of criminal law, and its inevitable corollary, prison-reform, was now only a question of time. To destroy the Whig oligarchy's monopoly of government, George III. had, with infinite toil, compacted a Tory conglomerate out of quondam Jacobites and placemen, and Pitt had moulded and

[1] The statistics were never forthcoming at the proper time, in spite of this and subsequent attempts to procure them.

quickened them into a great party. Forced by necessity, rather than choice, into systematic resistance to innovation, he bequeathed to his successors the policy of stubborn, uniform opposition to all change. The continuance of the struggle with France, in which this policy had originated, deepened and widened its hold on the country. A dead weight of leaden Conservatism crushed the nascent up-growth of reform, and Lord Eldon, its incarnation, was dominant in the cabinet. For several years the great Tory potentate was able to throttle the innovations of Romilly. Two sects, however, were rising into influence, more thoroughly antagonistic to Toryism even than the Foxite Whigs,—the Benthamites and the Evangelicals. Romilly, Mackintosh, and Brougham, joint founders, rather than disciples of Bentham's law-school, had introduced a new phase of Liberalism into Parliament, and Wilberforce with his friends were their habitual auxiliaries. The doctrines of Bentham were already exercising vast influence. Having boldly applied his greatest-happiness principle to the English law, and found it wanting, he had by his writings inaugurated the magnificent work of law-reform. To the reform of the particular branch, criminal law, he and his interpreter, Dumont, contributed in 1811 their joint-stock work, "Théorie des Peines et des Récompenses." At the same period a cloud of writers, Dr. Parr, Dugald Stewart, Adam Smith, and others, all more or less leavened with the new legal philosophy, were helping to introduce truer principles with regard to crime and punishment.

Out of Parliament, therefore, Romilly had many auxiliaries, and a few within its walls. Evangelical, Benthamite, and independent reformers gave him a desultory but growing support. Each succeeding session, moreover, was increasingly prolific in minor amendments connected with his own great scheme. In December, 1813, Mr. Eden brought the disorders and miseries of the City Gaols before Parliament: a long debate ensued, and a committee to inquire into their state was appointed. The committee went honestly to work, visited many prisons, and gathered a mass of evidence. On the strength of their report Mr. Holford brought in a bill for the better management of London prisons, and Mr. Bennet, a close ally of Romilly, fol-

lowed with another to abolish gaol-fees entirely. The latter act was much wanted: the practice of exacting extortionate fees was on the increase; acquitted prisoners were exempt, of course,[1] but convicts when their sentences expired had still to pay—in many prisons a heavy sum—for their discharge. Holford's bill foundered, but Bennet's passed, and on the same day another connected with it for raising the salaries of prison-chaplains.[2] The additional allowance was but niggardly, but the bill is memorable as showing the growth of parliamentary faith in the value of convicts, and the possibility of their salvation. In the following sessions the advance of sound principles was marked by a very noteworthy symptom,—the Transportation and Hulks Acts were on the point of expiring, and Holford and Romilly were able to prevent their renewal, at that time, for more than a single year.

These proceedings in Parliament ran parallel with increased exertions in the country. Under parliamentary pressure even the City magnates began to stir, in spite of the avowed aldermanic doctrine, that "their prisoners had all they ought to have, unless gentlemen thought they should be indulged with Turkey carpets." The interval of seven years since the publication of Sir R. Phillips' letter had been spent in grudgingly discussing what was the minimum of improvement which would satisfy the public. In 1815, however, the aldermen, very sore and angry at their parliamentary critics—Mr. Bennet worried them with cruel pertinacity, and more cruel still, one of their own body, Alderman Wood, actually inflicted a second committee upon them—appointed a committee to visit the Gloucester Penitentiary and other prisons, and gather new notions for the management of their own Gaols. The committee soon found that to reform effectively they must rebuild completely, and at that prospect the municipal schemes at once collapsed.[3] A code

[1] Vide p. 48.

[2] 55 Geo. III. cc. 48 and 50. The intermediate act, c. 49, is notable as the origin of systematic criminal returns from the whole kingdom.

[3] The collapse of the scheme drew a letter from Mr. Bennet, the sarcasm, quiet invective, ruthless logic, and unsparing exposure of which must have made even "the Livery and Council of London" wince. They received at the same time a few strokes from Sidney Smith's lash.

of such new regulations as could be adopted in the old prisons was drawn up and published, but scarcely enforced at all, and so for a time the matter dropped. In the provinces, however, much better progress was made. Borough Gaols, indeed, and the prisons of privileged jurisdictions generally, remained as bad as ever, but in most county Gaols considerable improvement was effected; a few, particularly Southwell and Bury Gaols, were deservedly regarded as models. In the Glasgow Bridewell Mr. Brebner, the governor, had introduced a rough kind of separate system. In 1815 a refuge for young criminals, the forerunner of Reformatory Schools, was opened in London; and the year after, a few months before the Newgate ladies began their work, "The Society for the Improvement of Prison Discipline" was formed, under the patronage chiefly of Mrs. Fry's coterie and the parliamentary Evangelicals. The formation of the Society was well-timed, and its influence proved considerable. It organized and combined the desultory and isolated efforts of private individuals, collected and diffused no little valuable and trustworthy information, and above all established regular inspections of every prison in the kingdom. By its periodical reports, the circulation of which was energetically forced, it achieved what Howard in his day had accomplished single-handed by the successive appendices to his original work; it dragged abuses into daylight, and shamed the authorities into attempts at amendment. But the most important and successful part of the Society's work was the establishment of Refuges for discharged prisoners, especially for boys, for whom such institutions were more especially needed, as it was the custom in their case to administer a valedictory flogging previous to their discharge, and then to turn them out, raw and bleeding, into the streets. The Ladies' Association established similar Refuges for women. The Society continued its operations for nearly twenty years; the failure of funds and the appointment of government inspectors then terminated its existence.

In the philanthropic revival which generated this and other societies, criminals came in for a large share of experimental benevolence. Pamphlets on prisons swarmed from the press, and found eager readers. Buxton's "Inquiry into the Present

System of Prison Discipline," ran through six editions in a twelvemonth. Parliament, which for many years had done little beyond the endurance of inconclusive debates, and the appointment of abortive committees, was at last fairly roused to action. After Romilly's suicide, Sir James Mackintosh continued the crusade against capital punishments, Mr. Bennet exposed the abominations on board transport-ships and in penal colonies, and the ministry took up the question of prison-reform. The execution of women (chiefly for forgery) whose faces had become familiar to the visitors at Mrs. Fry's Bible-classes, created great sensation in aristocratic drawing-rooms. The hanging of one poor girl in particular, who had passed forged notes at the instigation of her lover, occasioned an angry hubbub in influential circles. Lords and ladies, and even a royal duke, visited her cell, and vehement applications were vainly made for a pardon. The excitement about such executions, and the interest taken in the Newgate mission, strengthened the hands of the anti-gallows league and the Gaol reformers. The questions relating to criminals acquired political importance. Petitions flowed in, the City of London and the Society of Quakers setting the example. Long and eager debates took place in both Houses. On the 25th of February, 1819, Lord Sidmouth in the Lords, and on the 1st of March Lord Castlereagh in the Commons, moved on behalf of the ministry for committees to inquire into the state of prisons. This movement was intended to forestall the more radical reformers; but in this respect it failed, and on the 3d of March Sir J. Mackintosh, seconded by Fowell Buxton, defeated the Government on a motion for another committee to investigate the criminal law.

The Criminal Law Committee at the end of the session brought up an elaborate report, on the strength of which Sir James subsequently procured the repeal of various capital felonies. But the Government opposed and thwarted his schemes with persistent obstinacy till 1823, when, although one of his periodical motions was defeated by a ministerial majority, Mr. Secretary Peel pledged the Government to undertake a revision of the penal code. The undertaking contemplated was far more extensive than that of Mackintosh, which had been

confined to the diminution of capital punishments. The era of "cold obstruction's apathy" was drawing to a close; the old Eldonite Toryism, already greatly modified by Lord Liverpool's alliance with the Grenville party, and the elevation of Peel to the Home Secretaryship, had recently been positively liberalized by the introduction of Huskisson and Canning into the cabinet. Thus thoroughly leavened, the ministry at once inaugurated more liberal measures, chief among which was an extensive scheme for the consolidation of the statutes. Bankruptcy laws, slave-traffic laws, revenue laws, &c., were successively condensed into a few compact acts;[1] and, as part of the project, Peel and his legal esquire, Mr. Gregson, undertook a digest of the criminal laws. But Peel, who had outgrown his reverence for Eldon, contemplated much more than a mere digest: much statutory rubbish, benefit of clergy, petit treason, and such like, was to be swept away, and much improvement, less lavish gallows-feeding in particular, introduced. A committee sat and reported in 1824. The following year all the redundant verbosity and antiquated futility was squeezed out of sixty-two old jury laws, and the residuum[2] of these embodied in a single statute. In 1826, thirty-one statutes relating to "the administration of justice" underwent a similar process.[3] The dissolution of Lord Liverpool's ministry temporarily jeopardized the progress of the amendments, for Peel, being still in his "orange-peel" stage, and having his own pretensions to the premiership, refused to serve under his pro-Catholic rival, Canning. But he still prosecuted his scheme with semi-ministerial authority; and during the short session of Canning's Parliament, he melted down one hundred and thirty-seven rusty cumbrous laws, relating to larceny, &c., into four compact acts.[4] Continuing the work on his return to office under the Duke of Wellington, he compressed half a hundred laws, and parts of laws, relative to criminal offences against the person, into a single statute.[5] In the whirl of events that attended Catholic emancipation the

[1] In the consolidation of these laws most of the capital enactments against their breach were mitigated.

[2] 6 Geo. IV. c. 50.

[3] 7 Geo. IV. c. 64. This act contained many additions to the old repealed laws.

[4] 7 and 8 Geo. IV. cc. 28, 29, 30, 31.

[5] 9 Geo. IV. c. 31.

progress of his digest was interrupted; but in the short lull that followed, twenty-eight old forgery laws were freed from their dross, and welded into one act.[1] The Forgery Act, however, provoked a trial of strength between the Conservative statute-digesters and the Benthamite law-reformers. In the process of his consolidations Peel had greatly reduced the number of capital felonies, but the reduction had fallen far short of what the anti-gallows party demanded. In his cautious Conservatism, he had retained the penalty of death for certain kinds of forgery. After a sharp debate, Brougham, Buxton, and Mackintosh carried an amended clause in the House of Commons for its total abolition; but the Lords, firm in their patronage of the gallows, restored the original clause, and in that form the bill passed. The question, however, was virtually settled; no execution for forgery was ever again permitted; their temporary defeat roused the slumbering zeal of the abolitionists; Allen, Clarkson, and their old coadjutors set the usual philanthropic machinery in motion again; Exeter Hall and the *Morning Herald* gave their assistance, and public opinion was soon developed to the requisite pitch. In the batch of acts passed by the Reform Bill Parliament, on the eve of its dissolution, was one by which the death-penalty was abolished for all but two kinds of forgery:[2] the Lords would not yet forego this fragment of their hempen philosophy. In the first year of the present reign it was totally abolished;[3] but before this later date, criminal law reform had passed into a new phase. Peel's occupation, after the production of the Forgery Act, fell into the hands of Earl Grey's ministry, by whom, in the Reform Bill year, the Coinage Act was carried, a measure which consolidated all the previous statutes relating to coin, fifty-one in number, and removed coining from the list of capital felonies.[4] A few years before, this act would have been hailed as a great feat in law amendment and humanity, but it was now dwarfed into comparative insignificance by the vaster projects inaugurated by Lord Brougham.

Consolidation, with amendments, had been the Conservative substitute for systematic codification on new principles, but the

[1] 1 Will. IV. c. 66.
[2] 2 and 3 Will. IV. c. 123.
[3] 1 Vict. c. 84.
[4] 2 Will. IV. c. 34.

struggle between the Benthamite Liberals and the Eldonite Tories had all along been one in which fundamental principles were involved, and it was not to be set at rest by the rectification of details. The great legal incubus had regarded Peel's consolidation acts with angry suspicion, but his power to obstruct had so far waned, that he was forced to acquiesce in their enactment. His final resignation, in 1827, left the field clear at last for the law-reformers, and on the 7th of February, 1828, Bentham's greatest disciple, Henry Brougham, delivered his famous six-hours' speech "on the present state of the law." Peel, in accordance with the suspended Toryism of the Wellington cabinet, adopted the great scheme, and two commissions were appointed, the one to investigate the common law, the other the law of real property. To obtain a third commission for inquiry into the criminal law was one of Lord Brougham's earliest acts on his elevation to the Chancellorship. Codification, not consolidation, was the work assigned to it; but the reader need not be told that, although under successive commissions a slow cautious work of law-amendment has been continually progressing, a systematic penal code, comprising both statute and common law, as yet exists only in the visions of legal philosophers.

When the work of statute-consolidation commenced, the prison laws were among the first submitted to the process, and Peel had finished his digest and amendment of these before he took criminal law reform out of the hands of Mackintosh. The two gaol-committees prolonged their sittings for three sessions, and examined a legion of witnesses. They found the prison-laws an accumulated medley of bewildering statutes, full of blunders, anomalies, and contradictions. Peel and his lawyers put the twenty-three most important into their legislative crucible, added the new doctrines which had been educed by the investigations of the committees, and transmuted the whole into the well-known Gaol Act, which came into effect on the 10th of July, 1823. In this act all the chief improvements in prison-discipline, the gradual accretion of which has been marked in the preceding pages, were embodied, except the most important of all—separation; this was abandoned in favour of classification,

the fallacy patronized by Mrs. Fry and the Prison Discipline Society. The act required the adoption of five distinct classes, at least, leaving it to the discretion of the justices to introduce further subdivisions, if deemed expedient. In Gaols, the five classes were to consist of debtors, convict felons, convict misdemeanants, prisoners charged with felony, and prisoners charged with misdemeanors. In Houses of Correction the classes were the same, with the substitution of vagrants for debtors. The arrangement was doubly fallacious; it permitted association within the classes themselves; and in classifying the prisoners according to legal offence and not moral character, it sacrificed the very purpose for which the classification was adopted—the separation of hardened offenders from those comparatively unpolluted. The other improvements which the act made in prison-discipline were much more valuable. Female prisoners were to be placed under the charge of matrons and female officers; short daily services were to be held in the chapel; reading and writing were to be taught; important restrictions were laid on the gaoler's hitherto unchecked power within the walls of the prison; both he and the chaplain were to make regular reports to the Court of Quarter Sessions, and the Court to the Home Secretary and Parliament. The distinction between the Gaol and the House of Correction was retained, but the difference almost obliterated; the former alone was to receive debtors, the latter alone vagrants. In the Gaol, too, some shadowy authority and much substantial responsibility were left to the sheriff; in other respects the two prisons were alike.

Great emphasis is laid in the act on hard labour, and the treadmill, though not expressly mentioned, is implied. Mr. Cubitt had invented this machine five years before, to keep order among the riotous rogues in Bury Gaol. The invention was not novel; twenty years before, Jeremy Bentham had advocated[1] the corrective potency of a "Walking-wheel," but the idea did not then catch the magisterial fancy. Its use now rapidly

[1] In his "Letters on the Management of the Poor," printed in Dublin, 1796. "Treading in a wheel for moving machinery" was also one method of labour specified by Howard's Penitentiary Act.

spread, and the "everlasting staircase" (as the thieves called it) was soon regarded as the infallible panacea for larcenous propensities. The Yorkshire justices esteemed wheel-stepping so precious a boon, that they generously compelled their untried prisoners to share in the blessing: but Sidney Smith scalped the Chairman of Quarter Sessions, and stopped the practice.[1] It was heresy, however, to question its reforming efficacy on convicts; the only point on which there existed any difference of opinion was as to the number of diurnal revolutions which yielded a maximum of reforming power. Some magistrates kept their prisoners treading from morning to night, till they half killed them; others were content with requiring a modicum of wholesome exercise on the wheel for three or four hours daily.

The Gaol Act gave a great stimulus to prison reform throughout the kingdom. It had been anxiously waited for, and in many counties the progress of improvement was suspended till its appearance. As soon as it became law, the justices in many counties thoroughly re-organized their prisons. There were still, however, many districts in which it failed to overcome public indifference and magisterial immobility; out of more than five hundred prisons in the country, barely one hundred were raised to the standard required by the act; the still higher standard suggested was hardly anywhere aimed at. There was, moreover, a serious omission in the act: it only applied to county Gaols, and those of a few specified towns. One hundred and forty Gaols—the filthiest and most abominable in the kingdom, and containing about eight thousand inmates—belonging to local and corporate jurisdictions, were exempted from its operation. In 1824 it was found necessary to pass a supplement to the Gaol Act; some legal difficulties had been overlooked, and the organization it required was too cumbrous and expensive for the little Welsh Gaols. When the bill to obviate these objections was in preparation, the Prison Discipline Society and other reformers made great efforts to extend the Gaol Act to borough prisons, but Peel resisted the attempt, and adopted a very futile

[1] All doubts about its legality were set at rest by a clause inserted in the supplementary Gaol Act (5 Geo. IV. c. 85).

half-measure instead. "Upon mature deliberation," he said in the House, "I have resolved to abstain from legislating for the prisons of local jurisdictions, except so far as to enable them to contract with the counties [for the reception of convicts from the local courts]. It is not that I am insensible of the lamentable and disgraceful condition in which many of them are, but I indulge the hope that many of them will contract with the counties, that many of them will build new Gaols, and that when in a year or two we come to examine their situation, we shall find but few which have not, in one or other of these ways, removed the grievance of which such just complaint is made. When that time arrives, if I find that there are local Gaols in which classification and employment are neglected, I shall not hesitate to ask Parliament for powers to compel them to make these necessary alterations." The anticipated necessity for coercing the aldermanic species into common sense and humanity was soon abundantly palpable, but many years were destined to elapse before Peel's promise was redeemed.

There was another class of prisons, semi-private Gaols for debtors only, which also were beyond the scope of the Gaol Act, and eventually required the interference of the State. There were several of these in the kingdom, miserable, filthy dens for the most part, where the wretched debtor, without any allowance from the county, without the means of wringing his alimentary sixpence a week from his creditor, was left to starve. Some years before, the pitiable sufferings of these debtors had attracted the notice of Parliament, and an act was passed to entitle them to parochial relief; their condition, however, does not seem to have been much meliorated by the measure.[1] In the three great debtors' prisons, the Fleet, Marshalsea, and King's Bench, the lechery and misery were still almost as bad as at the time of Oglethorpe's committee; and in this state they continued till seventeen years ago, when the two former were abolished, and the last completely re-organized.[2]

[1] 52 Geo. III. c. 160.

[2] Garnish payments were demanded in debtors' prisons till quite recently. In 1836, the following was still posted up and enforced in Macclesfield Gaol, Cheshire:—

"Welcome, welcome, brother debtor, t
this poor and merry place;

At this point the history of prison-discipline may fitly be suspended, and the records of Mr. Clay's labours at Preston commenced. The juncture is a singular one in the progress of the cause. Much good had been done, and much undone; practical improvement had been combined with theoretical retrogression; the old miseries and abominations had been in some measure cleared away, but the great principles, for which Blackstone, Howard, and Paul had toiled, had been abandoned for the specious crotchets of Mrs. Fry and her school. The necessity for a separate system had now to be re-discovered and re-demonstrated.[1]

Where there's neither bum nor bailiff dares to show his frightful face.
Ne'er repine at your confinement from your children and your wife,
Wisdom lies in true resignment through the various scenes of life.
Every island is a prison strongly guarded by the sea;
Kings and princes, for this reason, prisoners are as well as we.
But, kind sir, as you're a stranger, down your garnish you must lay,
Or your coat will be in danger, you must either strip or pay."

1 The complete repudiation of the separate system is curiously marked in a clause in the Supplementary Gaol Act, which cautiously enacts that, if a class should by chance be reduced to a single individual, this solitary remnant was not to be left in his loneliness, but transferred to another class.

CHAPTER IV.

LABOURS AT PRESTON GAOL FROM 1821 TO 1843, UNDER THE SYSTEM ESTABLISHED BY THE GAOL ACT.

MR. CLAY would never have spontaneously chosen the office of assistant chaplain to a prison: he accepted the post in default of one more in accordance with his wishes. At the time of his ordination, his own county (where he wished to settle) chanced to be almost barren of titles to orders: the curacy of a church notorious for its voice-absorbing, curate-killing vastness, was the only alternative offered to him. The prison-parson, at that period, still ranked rather low in the scale of clerical gradations. Half a century earlier, any needy priest of damaged character was thought good enough to minister among rogues. Fielding, in his *History of Jonathan Wild*, draws what looks like a sketch from the life of the bibulous ordinary of Newgate, plying that "Great Man" with crapulous divinity, till the scoundrel stops his homily with a bowl of punch. The act for appointing chaplains to Gaols, which was passed just before the commencement of Howard's labours, somewhat improved the race. But the miserable stipend—50*l.* a year, and even that the justices would seldom give—could not command the services of able and devoted men: some neighbouring clergyman generally contracted to discharge the duties of the office at a cheap rate.[1] Hanway, Howard, and Paul, all insisted with great emphasis on

[1] The spiritual destitution of prisoners may be gauged in some measure by the paucity of religious books written for their special benefit. The ordinary of Newgate, in Charles II.'s reign, put forth a volume, entitled, "Captivity Improved to Spiritual Purposes," a rather feeble book, it is said. Kettlewell wrote much for the use of prisoners, and the Christian Knowledge Society (see p. 27) dispersed many copies of his writings among Gaols. In 1825 an anonymous work was published,

the necessity of able, earnest, and constant religious ministrations in prisons, but their notions were seldom adopted by either chaplains or justices. To perform a single service on the Sunday, and to attend condemned criminals in their cells and at the gallows, constituted the whole duty of the spiritual pastor of a prison. Not fifty years ago Dr. Forde, the then ordinary of Newgate (a buffoon in orders, who acquired in his day a sort of notoriety), gave a parliamentary committee a rollicking account of what was not his duty:—he was not called upon to know anything of the moral state of the prison; nor to visit the prisoners in private; nor to bestow any care on the young convicts, though there were many under fourteen years of age; nor to pay any attention to the sick, till he was summoned to bury them. And for not doing all this, the fellow received 250*l.* a year: indeed, the liberality of the salaries formed the solitary good feature in the infamous management of the London prisons; and in all, except Newgate, the services of men comparatively efficient and conscientious were thus secured. Forde wound up his catalogue of negative duties with a violent tirade against the impertinence of an amateur chaplain, who at that time frequented Newgate, and "crammed the prisoners with prayers and preaching." But he was behind the times: the free-spoken disgust which his conduct elicited from Parliament, marked a wholesome change in public feeling: before Howard's time, the Commons would have joined in the parson's ribaldry, and laughed the matter down. Shortly after an act[1] was passed to increase the duties of prison chaplains, and to raise their salaries,—in Gaols, from 50*l.* to 100*l.*, in Bridewells, from 20*l.* to 50*l.* a year. A vague notion seems to have been prevalent, that the morals of a Bridewell were less important than those of

called "A Charitable Visit to the Prisons;" of this the intention and execution were both good. A man named Rossell printed a "Prisoner's Director" in 1742: it is made up of free plagiarisms from his predecessors. Poor Dodd wrote an address to his fellow-prisoners, to be read on the Sunday before his death: it was made much of, yet it is in nowise memorable,—marred by pitiable hankerings after effect, and a sickly gallows' shadow of course falls on it all. After Howard's time, religious literature for prisoners became more abundant: but before, besides a few "Prayers for Malefactors," that occur here and there in old devotional works, I find, on hasty gleaning, little more than what I have mentioned.

[1] 55 Geo. III. c. 48.

a Gaol: but as it was soon found that clergymen could not be hired for 50*l.*, it became necessary to pass another act, granting salaries of 100*l.* even in Houses of Correction.[1] This was meagre pay, however; for visiting justices, influenced by the sudden up-growth of strong popular interest in prisons, had by this time begun to exact from chaplains considerably more than their tale of bricks. "The poor chaplain," wrote Sidney Smith in 1821, "should be paid a little better; every possible duty is expected of him—and he has one hundred per annum."

Mr. Clay's predecessor was an ordinary of the older fashion: a good worthy man, but the incumbency of a neighbouring parish, the second mastership of the town Grammar School, and the authorship of an "Etymologicum Enchiridion," left him little leisure for ministrations in the Gaol. After his other work on Sunday, he officiated at the chapel in the evening, and for his services received the regulation stipend of 50*l.* The services were conducted in a slovenly irregular fashion, and the old chaplain's sermons, always homely, and often dealing in very personal applications, sometimes provoked the open-mouthed criticism of his larcenous congregation. A young magistrate (Mr. Addison), recently placed in the commission of the peace, stirred up the dissatisfaction of the bench into action. The first remedy proposed was a Ladies' Committee; but Mrs. Fry herself, though she twice made the attempt, could not inoculate the Preston ladies with the necessary zeal. Eventually, therefore, Mr. Addison's proposal for an assistant-chaplain was adopted, and Mr. Clay's appointment was the result. For two years he held this office, and then, on the death of his senior, he was appointed to the sole chaplaincy. This was in August, 1823, a month after the passing of the Gaol Act. The provisions of this act were carried out promptly and liberally in Lancashire. At a special sessions held in November, a resolution was passed, requiring "the chaplains of the several prisons in the county in future to bestow their whole and undivided attention on the duties of their respective offices." Their salaries were at once raised to the highest amount permitted by the act;—Mr. Clay's from 100*l.* to 250*l.*

[1] 58 Geo. III. c. 32.

Preston had possessed a House of Correction for the county, for full two centuries.[1] The building first used for that purpose had originally been a Franciscan convent of Grey Friars. It consisted of a cloistered quadrangle with a chapel attached, and stood on the west of the street, to which it gave the name of Friargate. Not many years have elapsed since the last remnants of the old Friary—a fragment of the chapel—were pulled down. On the suppression of the monasteries, the buildings passed into the possession of, and were used as a residence by, the Breres of Hammerton in Bowland, a family connected with Preston:[2] but in Charles II.'s reign, if not earlier, the Friary was transformed into a House of Correction. It was frequently visited by Howard, who thus describes it in his usual dry style, slightly flavoured with sarcasm:—"On the ground-floor is a large Room, in which are eleven [offensive] Closets, called *Boxes*, [8½ feet by 6] to sleep in; and another Room, the *Dungeon*. Over these are a large Working-room for Men, and a less for Women. All the rooms are dirty, and the Prison out of repair.—A Court-yard in front, (the Prisoners have no use of it,) and a spacious Garden backwards, for the Keeper .... [No bath:] no Water accessible to Prisoners: no allowance."[3] The keeper's salary was unusually high—60*l.* a year—although the average number of prisoners was under twenty. But this number was more than the infirm old man, who held the office, could control: escapes at locking-up time were so frequent, that Howard cites this Bridewell as a case in point, to prove the necessity of appointing active, able-bodied keepers. His criticisms apparently alarmed the keeper, and when he came again, he found the prison cleansed, and the prisoners, who before were unemployed, at work spinning worsted. But his visits led to more important results: the Lancashire justices determined to build three new prisons for the county, at Manchester, Liverpool, and Preston. The plans were furnished by Howard's disciple in prison-architecture, Mr. Blackburn; and Howard himself inspected them in their then (1789) unfinished

[1] Strictly speaking, the Preston prison is still a House of Correction: it is, however, so generally called "The Gaol," that I have always used the latter name.

[2] One of the family, Oliver Brere, was recorder of the town in Elizabeth's reign.

[3] The words in brackets were added in the later editions of The State of Prisons.

state, shortly before his final departure from England. The new prison at Preston was built on a different site, in what was then the outskirts of the town: it now faces and commands Church Street, the principal thoroughfare. It was opened in 1790, and from the first conducted on the factory-system, which was then generally adopted in the better class of prisons. As the management was good, and work easily obtained, the Preston Bridewell acquired some notoriety as a successful experiment in economy. Neild, who highly commended the entire discipline, (except the uncleanness of the court-yards,—and his strictures procured the purgation of these,) pronounced the prison an exemplar of what a "Bettering House" ought to be. The prisoners on their discharge received one half of their earnings, the task-master took ten per cent., and the rest was paid to the county. The magistrates found that under favourable circumstances the prisoners could, after all deductions, earn nearly the whole cost of their food.[1] Accordingly a hundred and fifty were in constant employ on hand-looms, and all who could not weave were kept briskly at work, cotton-cleaning, tailoring, &c. The whole prison was a scene of active and much too cheerful industry; and the discipline, lax generally, was very lax indeed in the case of lucrative felons. This industrial system excited the admiration of Mrs. Fry and the Prison Discipline Society, and the vehement indignation of Sidney Smith. "I would banish," he wrote in 1822, "all the looms of Preston Gaol, and substitute nothing but the tread-wheel, or the capstan, or some species of labour where the labourer could not see the results of his toil,—where it is as monotonous, irksome, and dull as possible,—pulling and pushing, instead of reading and writing,—no share in the profits —not a single shilling. There should be no tea and sugar, no assemblage of female felons round the washing-tub,—nothing but beating hemp, and pulling oakum, and pounding bricks,—no work but what was tedious, unusual and unfeminine." The somewhat puling benevolence of the "sweet and delightful" school of philanthropists, had driven Sidney Smith into a thorough-paced advocacy of the deterrent system. But the

[1] In 1824, for instance, each prisoner, on the average, only cost 2¾*d.* a week beyond his earnings.

Preston Gaol was not quite so "desirable a place of residence" as he supposed. Brawls and robberies among the prisoners, and the constant necessity for punishment—dark cells, nothing but bread and water for weeks together, heavy irons, and the constant crack of the cat-o'-nine tails—rather modified its comforts.

Very little is now left of the old Gaol as it stood at the time of Mr. Clay's appointment. The small well-planned prison erected in accordance with Howard's designs had been so thoroughly changed, even before the erection of the new corridors, that the original simplicity of design was quite obliterated. Almost every year some alteration or addition was executed; but in spite of this constant magisterial patchwork, the prison remained inconvenient and, for a long time, insecure. There were six day rooms, six yards, and only one hundred and seventy-four sleeping cells, though the prisoners often exceeded three hundred in number. The insecurity of the prison, while it lasted, was greatly detrimental to the discipline. Escapes were frequent, and they were sometimes effected by the help of accomplices, who stole in under cover of darkness. The possibility, too, of an easy capture was, in the unsettled state of the country during the ten years preceding the Reform Bill, and even later, a frequent cause of alarm among the officers and of insubordination among the prisoners. The ringleaders of the mob more than once succeeded in opening communications with their friends in the Gaol, and the authority of the governor was occasionally defied by sanguine felons counting on speedy release. At last, during the period of excitement that ensued on the Lords' rejection of the Reform Bill, the proposed attack was actually made. The Preston radicals, stimulated into rampant patriotism by a visit from their new M.P., orator Hunt, decided that a riot, in emulation of the recent outbreaks at Derby and Bristol, was appropriate to the occasion. Early on the morning of Monday, the 7th of November (1831), a mob, about a hundred strong, commenced operations. A series of visits to the principal factories, to bully the masters and turn out the workpeople, constituted the first part of their programme. In a few instances they were beaten off, but generally their orders were tamely

obeyed; for the timidity and helplessness which had been displayed at Bristol were faithfully copied at Preston. Early in the afternoon the mob, now swelled to two or three thousand by the adherence of all the loose lads and ragamuffins of the town—a few of the turned-out factory hands had also joined them—gutted the lock-up; and then, emboldened by impunity and drink, they determined to attack the Gaol. Accordingly they swarmed down Church Street, broke through the boundary wall of the prison (it was only a few feet high), and sent their leaders to the lodge gate to demand admission. The governor, Captain Anthony, an old sailor who had seen some sharp service, was ready to receive them. Every available man and musket in the prison (about a dozen of each) were ostentatiously posted either on the parapet above the door, or at the grated windows on each side; and an old carronade, appropriately loaded with eighteen bullets and a pair of handcuffs, was planted so as to command the entrance. When the delegates approached—with their faces blackened and armed with crowbars, he went out, a cocked pistol in each hand, to meet them, leaving the door judiciously ajar to afford a glimpse of the carronade. The spokesman of the black-faces stated their demands—"Instant surrender, or they must take the consequences." "If you step on those flags," was the governor's reply, indicating some half-dozen yards of pavement before the door, "I'll shoot you as dead as a robin." Whereupon the delegates retired a few yards to confer, a few yards farther still to consult their friends, adjourned the consultation out of carronade shot, and finally the whole mob made off without further parley. There was to have been a monster meeting in the evening, but so violent a storm came on, that very few attended it, except the orators. Captain Anthony and the storm together undoubtedly saved the town from fierce mischief, for the authorities lacked both the power and (with a few exceptions) the spirit to resist. A determined well-directed attack on the prison must have been successful, for the outer walls were defenceless. For their better protection four flanking towers were afterwards built, and an old cannon mounted on each. Whether these towers —built of brick and rather flimsy—would tumble down if the guns were actually fired, is a question on which opinions differ.

For more than seventy years there has always been a party among the magistrates of Lancashire anxious for prison-reform. At the time of Howard's visits, and afterwards at the passing of the Gaol Act, when the general body displayed considerable promptitude and zeal, it was owing to the active spirit of a small section which quickened and guided the rest. In Lancashire the appointment of the justices rests with a subordinate member of the ministry—the Chancellor of the Duchy: the candidate's weight, therefore, in local politics, rather than his capacity or position, often forms (even more than in other counties) the qualification for magisterial dignity. The return of a member to Parliament on the government interest, after a contested election, is wont to produce a batch of new justices, the gratitude of the new member finding a natural vent in the recommendation of his influential constituents to the ministerial justice-maker. This system, which has been on the increase of late years, has given Lancashire a redundant magistracy. The influence, however, of these supernumeraries has not been in proportion to their numbers. Satisfied with the affix of ornamental letters, and with a millesimal share in the county patronage, they have left the administration of justice to the gentlemen whose character and abilities placed them naturally in the commission of the peace. On great occasions, especially when the bestowal of some county preferment is in question, the Court House is crowded to excess; at other times it is left clear for a small knot of workers. This working ruling clump of justices has always given special attention to the management of the county prisons. For the first few years of his chaplaincy, Mr. Clay found the chairman of Quarter Sessions (Sir T. D. Hesketh) an energetic, though hardly a steady, supporter in his attempted improvements: his successor (Mr. Addison) shares almost equally with Mr. Clay himself the credit of raising the Preston Gaol to its fame and efficiency. The visiting justices (redundant J. P.'s rarely acted in that capacity), though occasionally hasty, capricious, and obstructive, generally seconded with considerable heartiness his efforts to meliorate the discipline. For the last forty years they have been drawn almost exclusively from the influential cluster of magistrates residing in Preston or its neighbourhood.

During the period of Mr. Clay's assistant chaplaincy, hard reading for priest's orders, a complication of private business, and ill health, left him little leisure for works of supererogation at the prison: the unpleasant and indefinite nature of his position, moreover, almost forced him to rest content with a merely perfunctory discharge of duty. For the first two years, therefore, of his prison ministry, he confined himself to the quiet conscientious performance of his own work, without attempting to lay bare and remedy the vicious mismanagement of the Gaol. In consequence partly of over-study, partly of certain anxieties and grinding cares (of which no record is needed here), in the spring of 1823 his health gave way; a fierce brain-fever brought him to the verge of the grave, and when his life was saved, it was still doubtful whether his intellect would survive the shock. It was not till his friends had begun, in bitter grief, to fear the worst, that the change came. His recovery was then rapid and complete; and a slight tendency to excitement was the only trace which the illness left behind. It was only a few weeks before the death of his senior that he resumed his duties at the prison.

The Gaol Act, under which he was appointed to the sole chaplaincy, virtually called into existence a new office. Certain routine duties were prescribed by it, but these act-of-parliament ministrations did not by any means fulfil his conception of "the work of an evangelist" in a prison. Yet he had no exemplar to follow; no traditions of Gaol chaplaincies to guide him: he had not only to perform, but also to find his work. For many years his labours were chiefly tentative,—a series of experiments. His range for real religious labour was, at first, very limited indeed; and though it widened by degrees, yet he never considered that he had a fair field for his ministry until the introduction of the separate system. For twenty years his letters and journals form a record of disappointing failures, of futile attempts to counteract the evils of a system radically and hopelessly pernicious, and of sickening wrangles constantly produced by his efforts to suppress even petty abuses. The difficulty of the task at last fully evoked the peculiar pertinacity of his character, while the growing sense of the importance of his office and of the special opportu-

nities it presented (or would present under happier circumstances) of saving souls alive, created a spirit of devotion which never flagged till his health was completely broken by the long continuance of his labours. Their monotonous and depressing nature necessitated an amount of recreation and rest tenfold greater than he ever indulged in. During the later period of his chaplaincy a complete twelvemonth would sometimes elapse without a single day's absence from his work. It appears from his prison-journals that during thirty-three years (from 1824 to 1856, both inclusive) his absences from the Gaol did not amount on the average to an annual month. Three-fourths of the month is always accounted for by illness and business (public as well as private): his allowance of holiday—taking one year with another—was less than a week. He keenly enjoyed a holiday, but if he was absent on a Sunday, a vision of the prisoners in his own chapel, listening with blank baulked looks to a written sermon—written in a language to them unknown—would constantly haunt him; and before the next Sunday he would be back again in his old place.

He began his efforts to reform as soon as he was appointed sole chaplain; toiling from that time forth bit by bit—with many stoppages, many magisterial undoings of what he had done—to build up a better system. Efficient and successful as the management of the prison was commonly considered, the evils that were apparent and tolerated were quite sufficient to anger and pain him; and he soon found that there was much hidden vice and corruption besides. The discipline in the yards was wretched,—thieving, gambling, swearing, sparring, and smoking were practised with impunity, for the "constable of the yard" (a prisoner, not a turnkey) was commonly both unable and unwilling to check the disorder. But bad as was the open riot and blasphemy, there was worse underneath: vile practices and disgusting profligacy, to which the turnkeys were suspiciously blind. Their frail honesty, in fact, was not proof against a fee, nor even against the temptation to levy toll on the property of the county. But it was a difficult task to prove these abuses. The bench officially disbelieved in their existence; indeed, as he could never produce any conclusive evidence in support of

his complaints, they were, for many years, shuffled aside with hardly any examination. Among the justices he acquired the character of being restless and meddlesome, and of course he earned abundant ill-will among the officers of the prison.[1]

To toil and moil, here a little and there a little, to make the Gaol more wholesome and cleanly, was his first undertaking. To provide the prisoners with water enough to wash with (a bucketful in the morning for each yard was the previous allowance); to enforce habits of cleanliness; to ventilate crowded work-rooms; to drain water-soaked cells; to wash filthy prisoners on their admission, and fumigate their clothes; to establish clothing stores—for prisoners often came in and went out half naked and bare-foot, and the mothers of prison-born babies had to wrap them in their own rags—on such matters as these his first and freshest energies were spent. At the same time, he set himself, by quick vigilance and prompt punishment, to improve the discipline. Fighting, gaming, pocket-picking, and swearing, he succeeded in checking to some extent, and he strove hard to restrain the pernicious intercourse which was freely permitted between prisoners and visitors.[2]

To build a new chapel, and introduce a treadmill, was the result of the magistrates' deliberations after the passing of the Gaol Act. The treadmill was first used in 1825, and effected an immediate improvement in the discipline. Previously the discipline had been too lax, and the work of weaving, cotton-picking, &c., so easy, that the prison had no terrors for a rogue; more especially as he was sure, if he was a good workman, to be discharged with a pocketful of money. The supply of work, moreover, frequently failed, and many prisoners were in consequence left in total idleness for weeks together. The treadmill

[1] Mr. Chesterton, in his "Revelations of Prison Life," gives a well-told account of the efforts of scoundrel turnkeys and confederate prisoners to baffle his reforms at Coldbath Fields. Mr. Clay had to contend against similar difficulties, in a milder form, at Preston.

[2] An open space in front of the governor's house (the old, not the present one) was the thieves' reception ground, and here two or three gossiping groups were commonly to be seen. Moreover, large parties of prisoners were frequently employed, under very feeble control, outside the walls; and at the gate there was a shop where the treadmill flour was sold, and opportunities presented for easy communication between customers and convicts.

at any rate was a hateful punishment, and ensured the thorough discomfort of at least fifty-six prisoners throughout their confinement: besides, it enabled the justices to carry out a sentence of hard labour (such a sentence had hitherto been a mere figure of speech at Preston) in a very genuine fashion. Mr. Clay watched the experiment closely, and did all in his power, by vigilant superintendence, to ensure it a fair trial. But before a year had elapsed he pronounced his opinion, that whatever might be its deterrent efficacy—and further experience showed that even this was very feeble—it was powerless to reform.

On his first appointment there was no school whatever in the prison. His first educational experiment was to persuade the better disposed prisoners into mutual instruction, for which purpose he provided them with books and gave them his personal assistance. The success of this plan encouraged him to attempt its development. The healthy convicts on the week days were so fully occupied in the weaving shops and on the treadmill, that only the sick and untried could be taught at all. To remedy this he established a Sunday-school, conducted by the prisoners themselves, under his own superintendence. Unlikely as the plan seemed, it was eagerly adopted, and many thus learned to read: but from the first he saw the necessity of a regular schoolmaster, especially in winter, when the prisoners were locked up at dark—sometimes two or three in a cell—to spend the long evenings in solitary idleness or mutual corruption. His urgent remonstrances at length induced the justices to appoint a schoolmaster. A night school was then immediately started, two or three of the most intelligent prisoners being employed as monitors, and until it was thoroughly organized he spent his own evenings as a teacher in it. Eventually, however, he was obliged to abandon this night-school, and for the next fifteen years the untried were the only prisoners for whom he was able to secure regular daily instruction. When he was at last allowed free play he rapidly improved and developed his school, and built it up into its proper position in the general system. Yet it cost weary labour to effect even this; a jungle of difficulties had to be cut through. The schoolmaster, for instance, had to be changed again and again before a fit person

could be discovered for the office; but shortly after the separate system was introduced, he found in the present efficient instructor the man he had long been in search of.

Soon after the appointment of a schoolmaster, he carried his point in another respect—the appointment of a matron. The lady whom he recommended to the magistrates proved a most valuable officer. Under her good management, and with his energetic support (without which she would soon have been driven into resignation), fair, though much too mild discipline, was presently established in the women's department, where shameful abuses had previously existed.

The governor at this period was a Mr. Liddell. He had been appointed to the office many years before, when a rough and ready bully, with a flavour of good nature, and wit enough to manage the prison cheaply, was the kind of gaoler commonly approved by justices. He had been successively a sergeant in the army, butler to a county magnate, and a publican. His military experience, his old master's influence, and (it was said) the excellence of his tap, procured him the post. He was, no doubt, much in advance of eighteenth century gaolers. Economically he worked the prison with success, and being a kind-hearted man, though coarse and violent-tempered, he neither practised nor permitted cruelty. Finding that Mr. Clay's vigilance and assiduity considerably lightened his labours, for two or three years he cordially supported him; but presently, when his reforms began to trench on his own privileges, he took alarm. The appointment of a matron (which considerably embarrassed his household arrangements) made the breach irreparable. From that time he began to thwart and oppose him to the utmost of his power, and as far as he could, to annul the improvements already effected. The discipline soon deteriorated, and this was the more serious because crime in Lancashire was rapidly increasing, and the prison in consequence becoming dangerously full. Built to contain about a hundred and seventy, it was often forced to receive twice the number. Mr. Clay appealed to the magistrates, but for want of trustworthy evidence he failed to substantiate his charges: by his useless appeal he only incurred magisterial prejudice, and provoked counter-accusations.

In this position the matter remained for nearly two years, and he was almost disgusted into resignation, when all at once the affair took a new turn. It chanced that a blasphemous shrew was committed to the prison, whose stream of oaths it was necessary to stop. Mr. Liddell therefore ordered her to be gagged with a "bridle," an old-fashioned instrument, which, though very effective, gave but little pain. Some newsmonger heard of the incident, and the story, grossly exaggerated, got into the newspapers. A hubbub ensued; questions were asked in Parliament about "the torture at Preston Gaol,"[1] and the magistrates were obliged to institute a new investigation. If nothing worse than this bridling could have been alleged, Mr. Liddell would have been safe in his office; but a fatal suspicion that he was too lenient to poachers had spread among the county justices, and for this and other reasons the inquiry was prosecuted most searchingly. The issue was, that on charges similar to those advanced by Mr. Clay,—peculation, neglect of cleanliness and discipline, and the encouragement of gambling—he was peremptorily dismissed. This treatment was rather harsh. The peculation consisted in appropriating the difference between the price of the good provisions charged to the county, and that of the cheap food supplied to the prisoners;—indisputable peculation, of course, but profits of this kind had been the gaoler's perquisites from time immemorial. As to filthiness and bad discipline—unclean and riotous as the prison was, very few in England at the time were better. The charge of gambling has an ill sound now, but forty years ago most gaolers would have scrupled as little as Mr. Liddell did, to send on an emergency for a turnkey or prisoner to take a hand at whist or cribbage.

Taught by experience, the justices determined for the future to choose a "gentleman keeper," and Captain Anthony, R.N., was appointed to the vacant post in October, 1827.[2] Imme-

[1] I write from hearsay: there lives no record of them in Hansard.

[2] Sheriffs and magistrates are not even yet unanimous about the necessity for "gentlemen keepers." Mr. Perry gave the Prison Discipline Committee, in 1850, "an instance of a sheriff, who appointed an old servant of his to a very important prison." A few years ago, the vacant governorship of another county prison was filled up on the avowed principle, that "it was better not to have a gentleman, he wouldn't be submissive enough."

diately a great change was effected in the prison. The buildings were much enlarged and improved; all dishonest practices were promptly suppressed, and many amendments for which Mr. Clay had long contended, were at last introduced into the management. But the progress of reform soon halted. Quarter-deck discipline, rough, capricious, and tyrannical, was all that the new governor cared to establish; he opposed the introduction of educational and religious influences with incredulous contempt. The chaplain and governor, therefore, were soon in direct antagonism, and the former was obliged again to appeal to the magistrates. He was, however, too eager and pertinacious a reformer to find favour with the bench; a few who had adopted his doctrines on prison-discipline supported him, but the majority sided with the governor.

The next few years were a time of weary trial and bitter annoyance, but by degrees most of the justices came over to his views. His removal from Walton to Preston brought him into close intimacy with many of the leading magistrates of the town and neighbourhood. His position and popularity in general society, the respect which he had won by his energy, ability, and indefatigable benevolence, and the wide attention which his reports began to attract, gradually increased his influence with the bench. His tact and patience never failed, and little by little he was able to better the discipline of the Gaol. The improvements, indeed, were trifling; and even the pettiest (for instance, getting a proper supply of soap and towels) was not effected without an irritating dispute; still by slow degrees an advance was made. The classification was extended, the supervision rendered more efficient, and such rules as were adopted steadily enforced.

But the very improvements in the prison made its influence in some respects more pernicious. The rogue in Gaol was in better plight than the rogue at liberty. The number of prisoners had so much increased, that the share of each in the wheel-treading was easy to bear; the other kinds of work were light and pleasant; cleanliness and regularity were so far enforced, as to prevent discomfort without being irksome; sick prisoners were tended with a care and indulgence that sick workmen

rarely enjoyed; the allowance of food was over-liberal; the discipline was good enough to secure the feeble from robbery and ill-treatment, and all were free to enjoy the pleasure of mutual contamination. The prison was worse than useless; it tempted to, rather than deterred from, crime. Diseased and starving wretches frequently committed offences for the avowed purpose of benefiting by its abundant rations and comfortable infirmary.

Of these evils he became more and more keenly sensible. In the prison he found himself without sufficient employment. When the chapel service was over (it took place at half-past seven in the morning), and his routine duties performed, there was often hardly anything left that he *could* do. Even the chapel service became by degrees painful to him. From his first appointment he had done everything in his power to render it effective and impressive, but the knowledge that any better feelings which it might produce would be immediately quenched on the return to the riot and blasphemy of the yards, disheartened and almost sickened him for the work. One who was for many years a constant attendant at the prison chapel on the Sunday, well remembers the regular exhibition of this feeling. His private room overlooked one of the largest yards. Sometimes, but rarely, he would, on returning from the chapel, go straight to the window to watch the conduct of the men as they trooped in, but for the most part this scene was too painful, and his common practice was to shun the window for fear of catching a chance glimpse of the (to him) terrible spectacle. At his first appointment, he distributed Bibles and tracts somewhat lavishly among the prisoners, but very little experience taught him that they were grossly misused, and rarely accepted but out of hypocrisy. Unwilling to abandon the practice altogether, he adopted the plan of never *offering* religious books, but always giving them when asked for, hoping—and the hope proved well-founded—that hypocrisy, by which nothing could be gained, would seldom incur the trouble of an application. At first also he made a practice of mixing with the prisoners and trying to draw them into conversation, but he soon found that this was labour lost, for no prisoner in the presence of his companions would ever speak frankly and truly. He was therefore obliged to rest

content with making himself as accessible as possible to all who wished for private interviews. It was his custom, too, to see every prisoner on his entrance, to inquire into all the circumstances of his previous life, and if he was committed for the first time, to warn and prepare him in some degree for the fearful ordeal before him. As far as the bad arrangements of the prison would permit, he had a second private interview with each criminal before his discharge; but this, except in the very few instances in which the convict had been bettered by his imprisonment, was a very barren ceremony. But one religious weapon he had, which even in that vice-breeding prison wrought with some effect, and that was his own almost womanly kindliness. In every case that came before him, he searched with eagerness for some means of doing a judicious kindness. He would bring news from home to the prisoners, and write, or take in person, their messages back. Whenever he thought good might result he would procure interviews between convicts and their friends. On their discharge, he would, if possible, find work for all who were willing to work, and he would strive to effect reconciliations between them and their friends. For the poor homeless girl, if there was the least hope that her repentance was sincere, he would find admission into the Liverpool Penitentiary.[1] If he thought a prisoner hardly treated, he would always importune for a mitigation of the sentence. If he was convinced of a convict's innocence, he would toil with all his marvellous pertinacity—very careless what trouble he caused, or what offence he gave—till he had exhausted every chance of procuring a pardon. In the prison he uniformly interfered to prevent the infliction of capricious and vindictive punishments. He often sharply rescued poor creatures from the rapacity and brutality of constables, and not seldom forced his remonstrances and complaints on the notice of heedless or tyrannical justices. By such means he gradually acquired great influence, both among the prisoners and the classes from which they were drawn.

[1] This was one of the earliest Refuges for discharged prisoners established in England; it was opened in 1823, and another like it in Dublin about the same time. A few months before, Mrs. Fry's friend, Caroline Neave, had founded the Tothill Fields Asylum for female convicts.

Within the Gaol he was established as the redresser of grievances, while parents and friends outside resorted to him on all emergencies for help and advice.

And he acted thus, not only from the impulses of his own just and affectionate nature, but deliberately, and on principle. "The first thing for a chaplain to aim at," he used to say, "is to make his poor fellows believe that he is their friend, that he simply wants to do them good. All his preaching and teaching will otherwise go for very little." There is abundant evidence of the success of his plan. "The prisoners generally listened to him," was the account given by an infidel socialist, who had himself been in the Gaol for a Chartist illegality, "but they wouldn't have minded anything that he either read or said to them, if they hadn't thought he was willing to befriend them. When they were abusing the parsons they commonly made an exception in his favour." The invariable respect with which he was treated, even by the most turbulent prisoners, corroborates this opinion. An entry in his journal, in which he describes an unpleasant passage with a conceited Chartist, who chose to believe that he had been preached at in the chapel, closes with the remark—"During my eighteen years' ministry in this place, I have never till now been insulted by a prisoner." The succeeding eighteen years only furnish one more instance.

Yet although too kind to be generally sceptical, he was far too quick-witted to be used as a tool. "While prisoners remain untried," he writes on one occasion in his journal, "I dare not place much reliance on their assertions of amendment, &c., because I fear that such assertions may be made to propitiate my interest in their behalf." Such entries as this, indicative of constant caution, are of frequent occurrence; and year by year, while the old "no-discipline" lasted, he grew more and more incredulous and despairing. In spite of all his efforts to reform the convicts, he saw, with increasing clearness, that his success was very scanty, that religion was almost an impossibility under that crime-begetting system. Occasionally there is a memorandum in his journal, in which hopes are expressed of the amendment of some discharged prisoner; and now and then a later entry records that on subsequent inquiry he had found his expec-

tation justified. But these gleams of success are very rare. One circumstance strikingly marks the decay of his confidence. At first he administered the sacrament to the few who chose to present themselves every quarter, and in his journal he declares his strong belief in their sincerity. But these expressions of trust soon cease, and presently there is nothing but the bare record of administration. Eventually, in spite of the express injunction of the Gaol Act, he entirely ceased to celebrate the Eucharist. "I dare not," he said, "invite men to the Holy Communion in such a place as this."

Under these disadvantages his religious ministrations were confined within very narrow limits. About four hours he spent each day within the walls, and for that time he could barely find satisfactory occupation. The convicted prisoners were kept in such constant employ that they were almost entirely withdrawn from his ministrations; to attempt a little instruction at meal-time was all that he could do for them. The untried were more under his control, but among them—herded together without restraint and supervision—religious teaching was hopeless and impracticable. It was only in the infirmary that he could minister without pain and despondency.

Meanwhile, however, he was preparing the way for a better discipline. In his capacity of chaplain, he had no actual power to make alterations in the prison-rules; he had, of course, to convince visiting justices of the necessity for even the most trifling improvements, and a majority of the bench on all more important matters. This was generally a long, wearisome process. As early as 1826, he began to urge that the evils of association could not be subdued by the treadmill, and to call for more thorough classification. By the next year he had definitely adopted the opinion, that individual separation formed the only possible basis of efficient prison-discipline; and from that time till the final adoption of the new system he incessantly plied the magistrates with arguments in its favour. Long before the American experiments had attracted general attention, he collected and retailed to the bench all the information he could obtain concerning them. Every book or report connected with prison management that was published in England he carefully studied; and,

year by year, with additional arguments and sharper urgency, he reiterated his plea for "some system of non-intercourse—if the separate was too costly, at any rate the silent." The latter, however, he always regarded as much the inferior system, and he was one of the first to point out its incurable faults. But while fighting for a complete change of system, he argued eagerly for immediate remedies. He implored the bench to make the prison an object of terror, even if reformation was abandoned; to brace up the lax discipline, and make it sharp and stringent; to keep the treadmill going much longer and quicker; to flog boys, and discharge them at once, rather than keep them in prison to be trained in crime.

His arguments and his pertinacity at last began to take effect; and by slow degrees the opinions of the few magistrates who had all along been nearly as anxious as himself for a reform in the prison, leavened the lump. In 1834 the bench agreed to try a modified form of the silent system, and a committee was actually appointed to carry the intention into effect. But this display of zeal was premature, and the project languished into oblivion. In the following year the Duke of Richmond's Prison Committee, and its result, the New Prison Act, seconded at once by the appointment of inspectors, greatly stimulated the work of gaol-amendment throughout the kingdom. More thoroughly quickened now, the Lancashire justices drew up a code of rules for a "non-intercourse discipline;" before the arduous task, however, of extorting his approval from a secretary of state (such approval being required by the recent act), their zeal once more subsided. But Mr. Clay's desire for improvement had now been whetted into keener eagerness by the prospect of success; his remonstrances were clenched by the sharp strictures of the government inspector—though the effect of these was much blunted by their unfairness and inaccuracy; and at length a radical reform was commenced in earnest.

At this juncture, as it happened, he was almost tempted away from Preston Gaol and its prospects. The chaplaincy of the Gaol at Kirkdale was vacant, and the appointment was virtually his, to take or reject. The stipend was higher than what he was then receiving, his family was large, his pecuniary outlooks (at

the time) rather gloomy; but on the other hand, there was a gallows at Kirkdale, at which his ministrations would occasionally be required. Eventually his repugnance to this prevailed, and he withdrew his application; whereupon some of the Preston justices proposed to raise his salary to 350*l.* per annum. Magisterial economy was seriously scandalized at the proposal; nevertheless, it was carried in a crowded court-house by a majority of three.

For some time past court-martials had been in the practice of sentencing military offenders to solitary confinement—generally for six weeks—in civil prisons. In June, 1839, a batch under such a sentence was sent to Preston Gaol. He at once asked (and obtained) permission from their commanding officer, to treat them as he liked—his wish being to break the monotony of their solitude by daily attendance at the chapel, by exercise in the open air, and by frequent visits from himself and his schoolmaster. This was the experiment he had long wished to try. The issue exceeded his anticipations. Their demeanour and conduct during imprisonment was unlike what he had ever seen before: "all bettered, some thoroughly sobered," was the substance of the reports sent to him of their behaviour after discharge. In August another prison act was passed to resuscitate the separate system. There were no cells at Preston which the government officials would sanction for longer use than a month, but with these, he and his friends among the justices (of whom, luckily, the Chairman of Quarter Sessions was the foremost) determined, in such rudimentary way as was feasible, to get the new system started. Accordingly, at the October sessions, certain convicts were sentenced to pass the first and last months of their imprisonment in separate cells. About a hundred were submitted to the experiment in the first year, and, imperfect as it was, the success was unquestionable. Strengthened now by very palpable arguments, he had no difficulty in persuading the magistrates to carry out more fully the principle of non-intercourse.

By this time it was clearly seen that the governor was the chief obstacle to further improvements. To Mr. Clay the old sailor, irritable, jealous, and bitterly hostile to "new-fangled

nonsense," had been for fifteen years the constant cause of galling, blistering annoyance. Collisions were occasionally inevitable, for he had a quick sensitive spirit of his own: still, by courtesy and tact, he partially propitiated his good will, and even obtained his assent to some minor amendments. Latterly, out of delicacy and kindness, he had avoided, to the utmost limit of his duty, all cause of offence, for broken health and grievous affliction had come to excuse (though at the same time to aggravate) his volcanic temper. At length, in March, 1842, he was induced to retire on a pension. His successor, Lieutenant Gibbs, at once entered with genuine cordiality and bright sagacity into Mr. Clay's schemes. The non-intercourse, which was already partially established, was soon enforced throughout the Gaol (except among the untried prisoners, who were left, for the present, to their riot and depravity); the staff of officers was increased—he had for eight years maintained a chronic petition for this particular item of reform; more separate cells were brought into use; a large workroom was established on the silent system; and by degrees, even on the treadmill, where the rest of the prisoners were generally employed, all talk was suppressed. In April the magistrates consented to build a corridor of separate cells (seventy-five, by way of experiment); in October, 1843, they were ready for use. Mr. Gibbs had barely time to inaugurate and organize the new discipline before he was called to the governorship of the Kirkdale Gaol. He was succeeded by Colonel Martin, the present governor, a hearty disciple of the new doctrines. From the first he energetically aided Mr. Clay in the development of his system.

Thus, after twenty-one years of weariness and painfulness, he had fought down and trampled out that particular manifestation of evil which God had ordained him to abolish, with what speed he might.

To this end he had (as we have seen) plied—not to say wearied the bench, the visiting justices, and individual magistrates, with a ceaseless series of suggestions and complaints. By various channels, and in various forms, were these suggestions and complaints launched into magisterial cognizance, but most notably by means of his annual reports.

The Gaol Act enjoined on all prison-chaplains "at every Michaelmas Quarter Sessions to deliver in to the justices a statement of the condition of the prisoners, and his observations thereupon." In accordance with this injunction, he presented his first report in 1824; probably the "statement and his observations thereupon" were quite formal and very unimportant—at any rate he did not think them worthy of preservation in print or otherwise. But the report for 1825 contained not only some wholesome criticisms on the discipline of the prison, but also a careful condensation of a year's diligent observation on the nature of crime. Much struck by some of his remarks, the Chairman of the Quarter Sessions (Sir T. D. Hesketh) read the whole to the grand jury, and warmly commended it to their notice; the local newspapers printed it at full length, and from that time the "chaplain's annual report" was established to be a noteworthy document. Nevertheless, various troubles had to be waded through before he secured the right to speak out of the fulness of his heart and his knowledge. Certain justices held that it was an astounding and intolerable phenomenon that "their own servant" should criticise magisterial proceedings, attempt the enlightenment of magisterial ignorance, and actually offer suggestions for magisterial guidance. The first and second governors naturally regarded the reports with jealousy and dislike—for them a yearly statement of bare facts might have been inconvenient enough. Twice over a majority of the visiting justices backed first Mr. Liddell, and then Captain Anthony, in their attempts to hamper his researches. This opposition was all the more irritating, because he had, with fastidious honesty and courtesy, done all he could to prevent it. His honour was far too pure ever to dream of making a public report the vehicle of attack on a brother officer; and he understood the sensitive jealousy of the communion of justices far too thoroughly ever to write a sentence for their perusal which was not perfectly courteous. Finding himself, therefore, in spite of all precautions, caught for a second time in a net of official animosities and jealousies, he chafed and fretted sorely. "I have been mortified," he wrote, after the second skirmish in 1830, "by the injustice of the magistrates in the dispute between the governor and myself.

They have not forgotten the trouble which the last inquiry gave them, and dreading the repetition of such an investigation, they seem more afraid of the discovery of abuses than of their existence. . . . What absurdities do the magistrates commit! I am to see no books or papers connected with the Gaol but by leave of the governor [*i.e.* not at all]. Yet I am expected to furnish all kinds of information connected with it." However, by patience, firmness, and tact, such difficulties were overcome. The party in the bench which trusted and supported him grew larger year by year—grew finally into a majority. For the last twenty years of his chaplaincy the report was cordially accepted. Occasionally there were rumbles of complaint and incredulous sneers at "the chaplain's annual fairy tales," but the general feeling in their favour was never shaken. An anomalous justice, who suggested, ten or twelve years ago, "that the chaplain's report should not be printed," obtained only one vote (his own) in support of his proposal.

By degrees the reports increased in size and in purpose: the first scarcely filled one column of a newspaper, the last was a thick octavo pamphlet. To promote improvement in his own Gaol, to reveal and (as far as he could) to remedy the sin and ignorance of the surrounding district, was his sole intention originally; latterly he aimed at helping on the amendment of prison-discipline and the repression of crime throughout the kingdom. At the time the earliest were written, the general ignorance and unconcern about prisons and criminals were little short of profound. When the first hubbub stirred up by Mrs. Fry had subsided, Gaols and their condition were speedily forgotten again. Before the year 1834, the criminal statistics of the government itself were very meagre; while such as had been collected by private individuals or societies were of small amount and dubious authority. People vaguely knew that the lower classes were very ignorant and very drunken; but the extent of the ignorance and drunkenness was as yet little dreamt of. The superficial success of the educational crusade started by Bell and Lancaster had betrayed people into the belief that the former evil was nearly cured; the latter was not so palpable and offensive to eyes and ears polite as to excite alarm.

His reports helped in no slight degree to force the special question of prison-discipline and the general question of the cure of crime into public notice. For some years he was quite unaware of their value. They were printed in the local newspapers, and acquired local notoriety; but he attached himself so little importance to them that he neglected to preserve copies, and subsequently it was only with great difficulty that he procured a complete series.[1] In 1836, the Secretary of the Statistical Society (Mr. Rawson), who was engaged in gleaning together criminal statistics, obtained copies of half a dozen, and printed a synopsis of their contents in the Society's Journal. In the following year nearly the whole of his annual statement for 1836 was reproduced in the report of the new prison inspectors; and from their Blue-book he learned that he was almost the only gaol-chaplain in the kingdom who, in the matter of annual report-making, had obeyed, except in a very formal, barren way, the injunctions of the Gaol Act.[2] Having

[1] This complete series is now lost.

[2] Immediately afterwards there sprung up an extensive annual crop of "Chaplains' Reports," his example being (it would seem) the prime cause of their production, and his model for the most part followed. Among the earliest and best of these reports were those by the Chaplain of Lewes Gaol, an old friend of his; indeed, when resident near Preston, he had done some amateur work in the Gaol there. In these Chaplains' Reports no little statistical and other rubbish has, undoubtedly, been garnered; yet at the same time a great deal of very noteworthy information. Probably no one class of writings has done so much towards getting the state of English criminality known and studied. The following letter, written by him to a chaplain (considerably his junior) whose reports, less fortunate than his own, had not escaped strangulation, may fitly be inserted here:—

"Preston, 25 Sept. 1857.

". . . . . I was never required to *read* my reports; the act only directs them to be *presented*. For some years they appeared only in the newspapers, but in 1837 it occurred to me that the newspaper type only required to be put into pages and struck off in the form which you have from that year to 1844. About that time (1844) I saw that my brother chaplain's report on Salford was printed in good type and in 8vo., and that prompted me to ask the sanction of our visiting justices to the production of mine in the same form. It was willingly accorded, and our 500 justices have been regularly supplied with copies apiece, and from 300 to 500 more copies have been struck for general use. The expense of printing in the *newspaper* type was only about 3*l*. or 4*l*. The cost of the 8*vo*. was from 15*l*. to 20*l*. I must say that you have a *majority* of unreasoning men among your magistrates. A chaplain's report, when, as in your case, ability and experience produce it, is a valuable record of the criminal and social condition of things at the time of which it treats; valuable in proportion to the regularity with which it is produced and printed, and valuable, too, in proportion to the number of similar reports given to the *inquiring* public: and to shelve such reports is only worthy of the stupid and

thus discovered the importance of his researches, and found an outlet for his yearning activities (wrangles about soap and towels, barren preachings, the endurance of constant snarlings at "new-fangled nonsense," &c. &c. had been growing very wearisome this long time), he determined to do some work by means of these reports at any rate. To prolong their hitherto ephemeral existence was necessary in the first place. The magistrates were easily persuaded to bear the trifling expense of printing a few hundred copies from the newspaper type; and a few years later, when the report had outgrown newspaper dimensions, they willingly acquiesced in its formal publication as an octavo pamphlet. In 1838, the Central Society on Education circulated an epitome of his educational investigations. During the great debates on education in 1839, Lord John Russell quoted the description he had given the year before of the ignorance of prisoners. From that time, when education, prison-discipline, or any subject connected with crime, was under discussion in Parliament or elsewhere, he was almost invariably quoted as a noteworthy authority. Never more than a thousand copies were printed of any report, but such lengthy extracts (entire numbers occasionally) were reproduced in official Blue-books, temperance papers, educational periodicals, &c.

the ignorant. As to its being supposed that the magistrates may be considered as endorsing the opinions, &c. in the chaplain's report, that again is a supposition which could only spring from great ignorance. It is *your* report, not *theirs*. *They* should send a report 'founded upon the chaplain's' (I think these are the words of the act) to the Home Office, and should also send a copy of the chaplain's. I think it not improbable that the *visiting* justices alone might order your report to be printed for general circulation at the Michaelmas Sessions. If this cannot legally be done, you could, I think, print in the newspaper type a certain number of copies for *sale*, so as to escape, as you ought to do, all loss, and take your chance of a little profit. What would you think of printing by *subscription* the series of your reports so far, and repeating the process at proper intervals? In any case do not trammel yourself by excluding reference to those social questions which inevitably connect themselves with the criminal question, and which a gaol-chaplain has peculiar opportunities for investigating.

"I am much obliged for your friendly inquiries. As you suggest, I *did* entertain a hope that I might collect together a few odds and ends of my thirty-six years' prison experience, and 'favour the world' with the result; but I fear that I have been imprisoned too long, and that the necessary strength for such a comparatively easy task will not be available for it. With hearty prayers for your health and strength, and for your continued success in your important labours, believe me, &c. . . . ."

and they were so frequently retailed in all reviews, books, sermons, &c. which bore on his chosen life-work, that many persons became quite familiar with his opinions, assertions, and arguments, who had never seen the original pamphlets.

The celebrity which they acquired was laboriously and painfully earned. Their great value lay in the conspicuous absence of proxy sentiments and second-hand information. Every assertion he made was based on his own personal observations and inquiries; every conclusion he drew was a simple induction from data which he had himself collected. He combined powers of observation naturally quick, and by training made unusually keen, with a judgment so cautious as to be almost slow. He caught an idea instantaneously, but often spent years in forming an opinion; or rather his opinions never were completely formed: he was too open-eyed and open-minded ever to suffer them to crystallize. His entire creed, religious, political, and social, was to the last in a state of development. It was the union of great truthfulness with great receptivity that produced this progressive mutability of opinion. He was constantly absorbing new facts and new ideas into his theories, which consequently were for ever in a state of slow transformation. Strictly, therefore, he was never a theorist, never hampered by allegiance to systems, never under temptation to distort or discolour facts in support of views which were constantly undergoing rectification. Probably he never wrote a sentence which contained a heedless, much less a wilful exaggeration. He met with an unusual share of rough criticism and ridicule; yet he was never detected (except by himself) in a misstatement or a fallacy. In fact he never ran the risk of a blunder, for before he hazarded an opinion or assertion, he would test, verify, probe, examine and re-examine it, to an even wearisome degree. Altogether there may be seen in him a special fitness for his appointed mission, to explore and expound this subterranean mystery of crime which lurks beneath the surface of society.

The most valuable materials for his reports were, of course, collected within the prison itself. In his second (*i.e.* really his first) he points out how the sample of the working class in a Gaol might be used to ascertain the educational state of the

general body, and forthwith proceeds to analyze the ignorance of that sample. He had, in fact, already entered on his commission of inquiry. From that time he set himself to study, through the prisoners, the habits, characters, wants, temptations, and vices of the masses from which they were drawn. Many years passed before he learnt how to work this mine in the easiest way; but in 1839 he caught at a hint thrown out by the Constabulary Force Commissioners, and began the practice of inviting specimen prisoners to write or dictate the stories of their lives. He soon discovered the curious autobiographical tendency of convicts, a tendency which solitary confinement was found to stimulate greatly. In his later reports he published a few of these histories for the sake of the glimpses they gave into the depths of English heathenism and degradation. Many of his critics waxed very merry over "the simplicity of the worthy chaplain in swallowing such thieves' flummery." By degrees, though he still continued to think himself rather sagacious than simple, he learned to give ready faith to these prison biographies. He was far too shrewd, however, to ask the public to accept them merely on the warrant of his own judgment. The histories necessarily abounded with references to recent occurrences; a dozen short letters, therefore, to the parties concerned would produce superabundant testimony of their truth or falsehood. When he selected a sample narrative for publication, he proved it in this way to the utmost, and only if its accuracy was demonstrated in every tested detail did he venture to infer the credibility of the remainder. Nevertheless, it must be admitted that these autobiographies obtained only very partial credence: among redundant justices and persons like-minded almost none. That any dull-brained felon could "gull the parson" by a clever compound of fact and fiction, was in substance the opinion enunciated by such, with appropriate eye-winkings, shoulder-shruggings, and allusions to "common sense."

From the revelations of individual criminals, however, he could only glean fragmentary scraps of knowledge. It was from constant watchings of the stream of criminality which flowed through the prison that he drew his main conclusions. The prison, in fact, was his crime-gauge, by means of which, after

endless observations year after year taken and registered, he gradually detected curious phenomena about the fluctuations of crime generally, the waxing and waning of particular species, the effects of good and bad times, the power of various trades to foster vicious propensities, the results of legislation, &c. &c. For a long time his studies were confined almost exclusively to the crime of North Lancashire, the samples of felonry sent from other counties being insufficient for his purpose, and other sources of information not as yet opened up. But later he got materials for investigation more than enough. The Home Secretary, for instance, at one time hired fifty cells in the Gaol for the reception of "government convicts" (a phrase presently to be explained); and as these came from all parts of the kingdom, they furnished entirely new food for speculation and study. Some small crop of information he accordingly harvested, but the opportunity came too late; his health by that time was completely broken, and he had not the strength and energy to investigate, analyze, and expound in the old fashion.

His gaol-studies were of course supplemented in various ways. He systematically read right through both the extinct and the current literature of crime; he toiled through all the reports, returns, and dry wildernesses of tabular statements spread by the Home Office before the knight-errantry of philanthropy; painfully from blue folios full of figures he distilled their essence. By degrees, too, he established special correspondents all over the country—brother chaplains, parish priests, police superintendents, amateur and professional philanthropists, &c. But perhaps his best assistants were his "operative friends," ten or a dozen shrewd, religious, working men, who were always ready, with sober business-like enthusiasm, to labour for him, hunt up facts for him, and initiate him into the ways and wants of their own and cognate classes. The mutual esteem between him and these was very genuine—in one instance it ripened into friendship. In the wide circle of his acquaintance there was none on whom his trust and affection were more heartily bestowed than on his "fellow-helper in the Lord," John Catterall.

The preparation of his later reports was a work of vast labour to him. An unready writer at all times, the knowledge of the

extensive publicity which awaited them, his ultra-fastidious taste, the trammels of official etiquette, and above all his own intense interest in his subject, doubled the difficulty of their production. Many pages would be written half a dozen times, before he was satisfied with the language. A comparison of the lax, common-place style of the earlier reports with the supple well-knit English of the later ones, shows that this excessive care was not fruitless. On the other hand, it had injurious effects; he seldom warms into eloquence, and his writings are a very imperfect reflex of his impulsive emotional nature. The rush of hot feeling, and the passionate overflow of sympathy, which were so common in his prison sermons, are almost (not quite) absent from his reports. But though rarely eloquent, the style is generally attractive and impressive; and he spared no pains to make it so. "I wish," was his constant remark, "that I could persuade people to notice, and believe, and think about these things; it's my business, therefore, to make my language not only lucid, but pellucid, so that people may understand it at once." To this end the text was profusely illustrated with "maps, showing the localities of crime," "diagrams to explain the effects of drunkenness," &c. In some of these maps and diagrams he committed the fault of attempting to show too much; they are not, therefore, immediately intelligible, but many of them are beautifully simple, ingenious, and (always the great object) "speak for themselves." As the reports were primarily intended for magistrates, government officials, police superintendents, statistical societies, &c., a large portion of each was always thrown into the shape of tables. Indeed, a tabular form was the only one into which the bulk of his facts could be compressed. He had a natural faculty and fondness for statistics, which his commercial training had considerably developed; the labour, therefore (and it was enormous), which he bestowed on his tables was a labour of love. He was keenly alive, however, to the necessity for caution to prevent statistics from being false and delusive. Canning's dictum, that "there is nothing so fallacious as facts, except figures," was frequently on his lips. His care to prevent his own calculations from showing erroneous results was excessive; and when a table was at length turned

out, verified, and corrected to the utmost, it was rarely left without a caution, by way of rider, pointing out the limits of its trustworthiness.

It is not easy to estimate the effects which he produced by these reports, and otherwise; but that he exercised a very appreciable influence in stirring up the present crusade against crime is beyond denial. He was, undoubtedly, one of the first who fathomed and understood in any adequate degree the nature of crime in England. The compliment repeatedly paid to him in Parliament, "that he knew more of the working classes than any man living," was probably hardly an exaggeration. Nineteenth century philanthropy was still in a rudimentary and chiefly loquacious stage when he commenced his labours. He was one of the few (few, that is, compared with the many hard honest toilers of the present hour), who began to work in what was at first the best, indeed, the absolutely necessary way,—in mole-like fashion namely, painfully rooting and burrowing underground, and not coming up to the open publicity of print and platforms, till something was definitely understood concerning those subterranean evils; not coming up in his own case till after well nigh twenty years of sub-surface ferretings. His revelations, almost novel as they were, and startling in their bare, naked truth, could not stir the apathy of the general public (an archangelic task, that), but they set many earnest men thinking, and some doing. "You have kept me awake half the night," wrote Lord Brougham to him once, in acknowledgment of a report. On reading over the fragments of his correspondence, this editor has found the same language of startled interest echoed with curious unanimity in letters from all sorts of men, from operatives up to cabinet ministers.

From Report for 1825.

"It came to the knowledge of the chaplain, by mere accident, that, in a ward which might be supposed to contain the worst characters of the prison (the convicted felons), a set of rules had been established, by general consent, for the prosecution of those guilty of cursing, swearing, and other irreligious language and conduct. These rules appoint the oldest man in the yard to act as judge, and he is empowered to sentence an offender to a certain number of blows upon the naked back, from a leather strap: upon one occasion, a prisoner underwent a severe whipping from a knotted cord. Subsequent to becoming acquainted with these rules, the chaplain has been requested by the prisoners to commit them to paper, in order that they may be fixed up in the yard.

"A system of mutual instruction is still practised among the prisoners of all classes. They are supplied with the necessary books; and it is generally found that those who can read are not only willing, but in many cases anxious, to instruct their more ignorant fellow prisoners. . . . . In the two principal wards of the prison, viz., the misdemeanants' and convicted felons', rooms are appropriated to a school, and it is not an unusual thing to find on a Sunday morning twenty-eight or thirty prisoners in the former, and fifteen or twenty in the latter—all of them assembled by their own free choice, and all of them occupied in giving or receiving instruction. . . .

"This improvement (*i.e.* a temporary decrease of young criminals) may undoubtedly be attributed to the punishment of whipping, which, there is good reason to suppose, made a strong impression not only on the young criminals within the prison, who were witnesses to the execution of the sentence, but also upon their companions at liberty, among whom it excited very great apprehension. . . . . If there should be any particular cause for the favourable change in the rate of commitments (of adults), there can be no question but that it will be found in the fear of the treadmill: its irksome and uninteresting labour has entirely destroyed that indifference to the restraints of a prison which formerly existed . . . . and the dread of it has also been widely extended, by means which could never

have been anticipated—the circulation of printed songs; which, no doubt, have produced a certain effect among the bad characters of the neighbourhood, by mentioning the tread-mill as a source of very severe punishment. . . .[1]

"A system which is evidently carried on to some extent among the regular thieves may in this place claim a little observation. Whenever any of their number is in confinement, it would appear that a subscription is set on foot among his comrades who are at large, and the money thus raised is transmitted by means of a post-office order to their imprisoned associate. . . . It does not appear that the late acts of Parliament have forbidden any prisoner to receive *money;* and while a criminal is furnished with the means of purchasing from his fellow prisoners or elsewhere anything which may tend to meliorate his situation, his punishment will be disarmed of half its efficacy, and he will look forward to the probability of its recurrence with but little apprehension."

From Report for 1826.

"The behaviour of the prisoners in chapel at the daily morning prayers, as well as at the service of the Sabbath, is such as to claim the chaplain's unqualified approbation; while, at the same time, it justifies the hope that in the newly-roused feelings of religion, which there frequently evince themselves, the foundation may be laid for an early and permanent reformation. Were it not that in labouring to plant the seeds of Divine truth among the inmates of a Gaol—a soil at once flinty and uncultivated—the effort was in *some* instances successful, no task could be more disheartening, more wearisome.

". . . . Means have been provided for the instruction of the prisoners in reading, and they avail themselves with much eagerness of the advantages thus held out to them. The schoolmaster devotes a greater portion of his time to the *untried* prisoners, than to the other classes, on account of the

[1] In his copy of this report, he made the following MS. note on this passage:—"Improvements in discipline of a deterring character produce no doubt a temporary effect. But it is human nature to become gradually familiarised with danger, and so in time the dread of a whipping disappeared before the bravado and stimulant of association in prison."—ED.

want of occupation, to the dangers of which most of them would be otherwise exposed.

"The tread-mill has been constantly at work during the last twelve months, and it still continues to be a source of great terror and a means of severe punishment. It would be improper, however, in the chaplain to conceal that he is disappointed, with regard to many of the prisoners, in the moral effect which he had anticipated from its use. The benefit which might arise from the punishment is counteracted by the disadvantages always attendant upon bringing together a great number of prisoners. Eighteen men are employed upon each wheel, and their conversation and manners being in a great degree beyond the control of the prison officers, it may easily be inferred that the bad have no inducement or opportunity to amend; while the less abandoned characters feel no check in their approaches to the reckless depravity of their companions.

"Those prisoners to whom the application of a proper degree of discipline is most difficult, and who, consequently, form the most disorderly class in the Gaol, are the untried felons. Persons, for the most part, of known bad character, they are almost at liberty to spend their time as they choose: their general idleness furnishes the opportunity of encouraging each other in schemes of future plunder; and, what is a still more serious consequence, of deluding into the same excesses many who are comparatively unskilled in crime. It may be very difficult, with regard to this class, to combine a wholesome system of discipline with those principles of law which look upon a man as innocent until he is proved otherwise before a jury; nevertheless, the evil complained of would be greatly mitigated, were it thought proper to place under a certain degree of restraint all *old* offenders."

From Report for 1827.

". . . . With regard to the instruction of the prisoners in reading and writing, the plan hitherto adopted has not been, from particular circumstances, so extensive and complete as the chaplain could have wished. Instruction in reading has been confined to prisoners committed for trial upon charges of felony; and writing has only been taught to a few persons who have particularly requested the means, and who have, by their good conduct, deserved the indulgence. In this circumscribed mode, however, much good has been done; and very many instances could be enumerated

in which prisoners, who, at their reception into the Gaol, were ignorant of their letters, had acquired a facility in reading their Testaments before the time of trial arrived. It is probable that between eighty and a hundred prisoners have been taught to read in the course of the last twelve months.

"Bibles, prayer-books, and religious tracts are lent to the prisoners whenever they are applied for; and the chaplain firmly believes that they are the silent but certain means of very considerable benefit. Books of this description are never lent but when an application is made for them. Hypocrisy would tempt most prisoners to assume the appearance of a desire to improve themselves, by accepting whatever religious books the chaplain might offer them; but it is thought that when no particular anxiety is manifested to press such works upon their perusal, a proper motive may actuate those who solicit the favour of reading them.

"Many prisoners, at the conclusion of their confinement, request prayer-books or Testaments to be *given* to them; and when the behaviour of the applicant has merited the proceeding, his wishes have been complied with. No doubt some of these gifts will be abused; nevertheless, if only one prayer-book or Testament out of ten, should justify the hope with which it is bestowed, the expense of 10*l.* or 15*l.* a year, thus incurred, will not be objected to.

"It has frequently been a subject of regret to the chaplain that the means of classification in the Gaol are not yet such as to enable boys to be separated from adult and practised offenders. The principle of classification, indeed, hitherto adopted, it is much feared, is in a great degree erroneous. To be at all adequate to its proposed end, classification should be instituted with regard to general character and conduct, and not with respect to the legal offence only. According to the provisions of the act of Parliament, the unpractised pilferer whom strong and unusual temptation may have led into an act of felony, the unfortunate creature whom real distress may have driven to crime, and the hardened, calculating, and experienced plunderer, all are brought together in one class! The probable consequences of such a mixture need not be dwelt upon. Among the misdemeanants too, individuals confined for the most trifling causes, and bearing characters scarcely lower than respectable, are associated with wretches whose known habits are as profligate and abandoned as those of the worst among the convicted felons. Is it then at all impossible that a system of

classification, founded upon the mere distinction of legal offence, may be worse than useless?

"With regard to the punishment of young and unpractised offenders, the chaplain begs to express his conviction that a short imprisonment and a whipping are best calculated to prevent the recurrence of their offences. Short imprisonments obviate the danger of contamination from old offenders, and do not allow the confinement to lose its terrors by becoming familiar; and whipping, while it does not affect the minds of boys as an indelible disgrace, operates, both by its dread and its actual pain, much more effectually than any other mode of punishment.[1]

"Upon the question as to the reformation of prisoners, it is certain that a considerable degree of benefit results from the religious instruction now placed within their reach; and there can be no doubt but that such benefit would be increased a hundred-fold if the serious impressions, which are, from time to time, made upon individuals, were not counteracted by the sad consequence of confining numbers together. It is certain that during the attendance upon divine service, impressions are made, sometimes, which might eventually ripen into serious amendment, if the prisoner had the opportunity in solitude, or with one or two orderly companions, of encouraging thought, and practising a little self-examination. But whatever may be the feelings of awakening goodness created in the breast of the prisoner while at chapel, the instant return to a crowded and tumultuous ward is sure to oppose and overwhelm them. The loud laugh, the coarse and obscene joke, and the more frequent oath and curse, are only too successful in obliterating from the mind any incipient inclination to better things. Similar observations will apply also to the circumstances connected with the sleeping cells, in each of which, owing to the crowded state of the Gaol, three or four prisoners are nightly confined. During the winter months, when the prisoners are locked up in these places for about

[1] This passage is only at first sight at variance (see p. 120) with his often repeated conviction that flogging, as a rule, is a most pernicious punishment for criminals. Yet to the last, if the only choice had been between flogging a boy, or else turning him into a yard full of professional scoundrels, he would eagerly have accepted the former alternative. "Rather than send a boy to a prison on the associated plan," he said to a Parliamentary Committee in 1852, "he had better be flogged behind the police office, and set at liberty." At this time, moreover, faith in the cat-o'-nine-tails had taken the place of faith in the gallows. In Peel's Acts flagellation was prescribed so frequently as to justify M. Rossi's criticism,—"On la retrouve si souvent qu'en lisant ces statuts on croit presque approcher d'une plantation de sucre: on entend claquer les fouets."—ED.

fourteen hours at a time, the evils of such a state of things must be only too manifest; and it is impossible to tell what misery and mischief may not have their origin in the tales and conversations of these various coteries of crime. In short, no system of prison-discipline can be generally efficacious, unless the influence of religious instruction is aided by the individual separation of the prisoners; or, at least, by the most careful adherence to the strictest and best modelled classification."

From Report for 1829.

". . . . Although the inmates of a prison ought never to feel that they are suffering under what is so improperly called 'the *vengeance* of the law,' they should nevertheless be made sensible that they are undergoing a severe and necessary sentence, dictated by a principle of justice to the community, as well as by an anxious desire for their own moral improvement. Under a mode of discipline which should combine religious instruction with complete personal restraint, much—very much good may be done. . . . But, to be effectual, instruction and restraint must be united;—separated, each would lose almost all its influence; for it is most difficult, generally speaking, to fix any good impression upon the minds of men who are allowed (as they are in almost all our Gaols) an uncurbed interchange of thoughts and opinions: while, on the other hand, stern severity, unsoftened by the friendly voice of a religious teacher, and by the prisoner's own conviction that his improvement and happiness are best attainable by a constant check upon his vicious habits, would only produce in him sullenness and despair:—or, having his mind perpetually occupied by what he may consider the unnecessary hardship of his situation, every man would learn to regard his case as an instance of vindictive punishment, and would harbour in his breast a reckless spirit of hatred both against the law under which he suffers, and those who are appointed to ensure its provisions."

From Report for 1834.

"It appears highly probable that an important change in prison-discipline will take place in this Gaol, as in others; and I entertain sanguine hopes that a modification of the American system about to be adopted—and

which I have ventured repeatedly and earnestly to recommend since the year 1827, will answer the expectations of those who look to it, as one of the best means hitherto tried for the reformation of offenders."

From Report for 1837.

". . . . However bad a child may be previous to his entrance into Gaol, he generally feels a certain degree of terror associated with the idea of a prison, and consequently a hesitation in the commission of any crime which might lead to it. The prison once entered, however, the dread of it formerly entertained now appears to be groundless; and the little culprit finds himself surrounded by those who make him ashamed not for what he has done, but for the *little* that he has done! I have seen children who upon the first day of their imprisonment, were crying with shame and apprehension, become in 'a little week' careless and indifferent, reckless and turbulent;—and I have seen, in too many instances, such children committed again and again upon charges of felony, and eventually sentenced to transportation. Ambition evinces itself in various ways; and it is a melancholy truth that many young delinquents soon acquire an ambition to excel in crime,—an emulation to rival the exploits of the boastful villains with whom they are associated in Gaol. Some years ago, this was shown in a remarkable manner:—Two boys, committed for their first offence, were confined in the same yard with two daring and long-practised thieves. The two latter were transported, the two former sentenced to a few weeks' imprisonment: they were soon recommitted, however, for fresh offences, having in the meantime *assumed the names of the two convicts* who had been the object of their depraved admiration! I have more than once seen a young prisoner, upon his recommitment after a short liberation, enter the chapel, the morning after his arrival, with a kind of swagger—glancing towards his old companions with an air which exhibited much less of shame than of triumph.

"For these great evils I venture to urge that, in the absence of a more perfect system of prison-discipline, a summary mode of conviction for trifling offences in young criminals, greater facilities for admitting them to bail, or more frequent sessions, are highly necessary.[1]

[1] A child of twelve years, the son of a decent tradesman, was committed for the sessions under a very trifling charge. As he must have waited three months in prison before his trial, with some difficulty I got him bailed; and the grand jury sub-

". . . . The general discipline of the Preston Gaol has undergone no change during the past year. The legislature has not yet made any particular system of prison management imperative; and while considerable doubt is entertained as to which is the most efficacious mode, it will be right to avoid the hasty adoption of any. The two principal plans between which a choice must some day be made, are the silent and the separate. No doubt whatever can be entertained of the greater value of the latter, but its introduction into the Preston House of Correction would be at an expense which the county would hesitate to incur. I venture, however, to suggest that it would be both expedient and *right* to disregard cost in making a well considered effort to reform the criminal population of this division of the county. Such a thing must be done eventually; and with a population increasing at such a rapid rate, it is not too much to say that the reformation of *one* culprit *now*, will obviate the necessity of punishment in *many* hereafter.

"The silent system has been condemned by the inspectors of prisons for the home district, principally upon the ground that it requires the employment of prisoners as monitors,[1] and that there is an incessant irritation kept up by the endeavours to evade its rules. It would be unbecoming in me to attempt to combat the views of these gentlemen, or to mention the many points of difference between the circumstances of a great metropolitan prison—such as that of Coldbath Fields, which principally supplied the facts for their observations—and those of a comparatively small prison like that of Preston; but I may be permitted to suggest, that in the absence of means to enforce the separate system, it is highly necessary—for the sake of checking the contamination now unavoidably incurred by young delinquents, and for the sake of the great number of comparatively respectable prisoners who shudder at their

sequently ignored the bill against him. This would have been done had he remained in prison during the three months; but in that case his feelings and habits must have undergone a shock from which they might never have recovered. It must be mentioned, too, that very frequently the grand jury will not find bills against young offenders in what they consider trifling cases:—and then the culprits, after weeks of contamination in a prison, are set at liberty, the more fully prepared for further crime, because they carry away with them an impression that the law has no punishment for what they have hitherto been guilty of.

[1] In a letter which I addressed to the magistrates in 1834, I stated upon this subject, "my opinion of the necessity of additional *officers*, and of the danger of employing prisoners as monitors or constables, when the rigorous enforcement of the system is essential to its value."

present compulsory association with the most depraved of their species,—to adopt some measures of improvement.[1] The silent system, or a modification of it, would be a great improvement upon the present mode,—one which might be soon carried into effect, and easily laid aside whenever circumstances should demand the introduction of the more perfect plan of separation,—to which, indeed, it might be considered as introductory.

From Report for 1838.

". . . The majority of the inspectors of prisons is in favour of the separate plan; by which is meant, the individual and entire seclusion of prisoners from each other, in cells of about 13 feet by 7, and 10 feet high, which are to be provided with every requisite for warmth, and ventilation, and cleanliness: the prisoners to be furnished with employment; to be visited daily by the principal officers, and to attend chapel on the Sabbath, under such regulations as shall ensure the integrity of the system. Many and powerful arguments are advanced in support of this plan, and there can be little doubt that it must have great advantages. Religious feelings, and the consequent probability of permanent reformation, are certain, in many cases, to be awakened in a solitude which is chiefly interrupted by the visits of the minister of religion. Contamination, if the system be perfectly administered, is impossible. While it has its consolations for the serious or devout, it has none whatever for the hardened; and is therefore adapted to reform the one, and deter the other. It may be said indeed to possess, as regards the characters of the confined, a *self-adjusting* principle. These are only a few, though probably the most prominent, of the reasons in favour of the plan of separation. The objections made to it must now be mentioned: they are, first, the very great expense which would be incurred by carrying out the system into full operation. 2d,—The tendency to insanity which it is said to produce in prisoners who undergo a long confinement. 3d,—The difficulty of providing suitable employment, especially such as would be available to the prisoner on his discharge; and, lastly, the fact, as stated in the report of the inspector of Scotland (a

[1] For many weeks during the present year, there were placed, among the prisoners for trial at the sessions, a religious visionary and a callous infidel. It may be imagined what effect would be produced upon the other inmates of the ward, by the almost constant disputes between these two men.

gentleman favourable, nevertheless, to the system), that at Glasgow, the only place in this country, I believe, where the plan has been fully tested, the recommittals are 50 per cent.

"The plan based upon the principle of *silence* is one which permits the employment of prisoners in sight of each other, but forbids the slightest degree of intercourse by words, signs, or looks; and provides for complete separation at night. This system is asserted 'to possess one superior quality among others—the placing men under trying circumstances where they are compelled to exercise, and may acquire, the valuable habit of self-control. At the same time social duties are kept in view; for it exacts respect to authority, order, cleanliness, decency at meals, and industry at labour.' The opponents of this plan maintain that the prisoner is kept in a constant and injurious state of excitement, by his inclination and efforts to evade the rule; and it is also alleged that there can be no security for the uniform rigour of its application.

"The plan of entire separation, if fully established, should guarantee its efficacy by the mere force of its leading principle. That of silence depends almost entirely upon the persons to whom the execution of it is committed."

From Report for 1839.

". . . I take the liberty of again repeating that the Preston House of Correction might be made fit for the introduction of the plan of silence, at a small expense, but could not be adapted for a full and fair trial of the separate system without incurring a very great one. A few cells, however, might be prepared for the reception of prisoners sentenced to *short periods* of separate confinement; and I have no doubt that such a mode of punishment with a certain class of boys, would be attended with good results. There have been—and there are now—several soldiers undergoing from four to six weeks' separate confinement, by sentence of a court martial; and it is from what I have seen in their cases that I form my opinion. They attend chapel, and are allowed one hour's exercise daily; they are supplied with books,—I have frequent interviews with them,—and have every reason to hope that beneficial impressions are made upon their minds by this combination of penal discipline and religious aid."[1]

[1] I have often observed that our present discipline is not sufficiently severe. Two women—mother and daughter—were committed for a trifling misdemeanour;

From Report for 1840.

"The effects, so far visible, of the plan of solitary confinement have been, to my mind, highly satisfactory; although *strict* non-intercourse, the principal essential to the full development of its benefits, is not yet enforced. But even under all the disadvantages incident to a first and imperfect trial of its power, the individual separation of prisoners has, I rejoice to say, operated in many cases most beneficially. . . . The plan at present adopted is incomplete, and may undergo some beneficial changes,—especially as the inspector of prisons for the district has not yet given the certificate which will authorise the cells to be used for any longer period of confinement than one month. As the routine now exists, the prisoner is enabled to take an hour's exercise daily, in silence, under the inspection of an officer; he attends prayers every morning, and also the services of the Sabbath; while such as are unable to read have the benefit of the schoolmaster's instruction. Three or four days elapse after they have received their sentence before I visit them; but when I do enter their cells with copies of the Holy Scriptures or other suitable books, it need hardly be said that my presence is evidently very acceptable to them; and I seldom take leave of the better disposed without an earnest request that I will repeat my visit at an early period. During the conversations which take place at these interviews, the prisoners, in many cases, have shown that softening of the heart which is evinced by tears. Among those who have attained mature age, and who have not been previously hardened by a long course of profligacy, this favourable and encouraging symptom is almost invariably met with; while it is seldom seen in the young criminals who are undergoing a second or third sentence. Their cases are the most hopeless. It is, alas! very melancholy to discover how easily, and rapidly, and permanently, corruption does its work upon the young! how soon feeling and principle, and the wholesome dread of disgrace, disappear, leaving behind no germ or remnant of good which might yet 'take root downward or bear fruit upward.' Although prisoners under fifteen are not more than one-fifth of the whole number [in solitary confinement, *i.e.* 101], they furnish almost the only instances of recommit-

they behaved exceedingly well, and were employed in the wash-house. At the termination of their imprisonment, in taking leave of the matron, the mother, with the most complete simplicity, said, "We've been vast well used, and we've had plenty to eat,—and I am very sorry to leave the wash-kitchen."

ment. Still, as regards boys whose irrepressible depravity does not necessitate their removal from the kingdom, this kind of discipline, especially when accompanied by whipping, offers the fairest prospect of advantage. . . . But it is for *men*, convicted of first offences, that this mode of correction holds out the greatest advantages. It is beyond my power adequately to describe the difference of manner and expression between those on the tread-wheel and those in solitude. Indifference, levity, recklessness, characterize the demeanour of the majority of the former,—there are few traces of such qualities visible in the language and features of the latter; but on the other hand, a thoughtfulness—a saddening of the look and tone—the welcome evidences that the still small voices of memory and conscience have been heard; and that the solitary, debarred from all mischievous intercourse without, has been holding wholesome communion within. . . . I have already submitted my views as to the efficacy of separate confinement as a punishment—something like it is necessary as a *preventive*—of crime. A transport convict of 18, said, 'The best way to treat young lads would be to give 'em bread and water for three or four days in solitary confinement, and a right good flogging; suppose a lad comes in now, why he hearkens to the men who are always talking about what they 'll do when they get out, and so he gets hardened.' The recommendation is well worth attending to. It does not, indeed, intimate the propriety of establishing a reformatory plan; but it would make the prison a place of terror to *young delinquents, and save them from the contamination before trial*, which now, in nine cases out of ten, seals their ruin. . . . The child of 14, or 10, or even 8 years old, is now turned into a yard or 'day-room' tenanted by forty or fifty older criminals. . . . And thus a few weeks, or even a few days, before trial, have sufficed to convert the child, who, until the verdict pronounced at that solemnity, was accounted innocent in the eye of the law, into a hardened profligate, prepared and tutored for a course of iniquity, and determined to run it! There is no exaggeration in this sketch. Alas! no. I could furnish a hundred histories of misery and crime, springing from the pestiferous society of '*the untried felons' ward!*' But might not these evils of intercourse with old offenders be obviated by placing boys in a separate class? In a very trifling degree,—if at all. The plan has been tried; and experience shows that the division containing the untried boys is the most disorderly in the prison. . . . 'But,' it

is objected, 'to separate these children would be to punish them; and punishment must not be inflicted upon those whom the law regards as innocent until a jury have found them otherwise.' Would the respectable and anxious parent of one of these deluded boys consider that his child was *punished* by separation from the society of the abandoned?—or would the child himself, when capable of judging, look back upon it as an unconstitutional severity. A fiction of law supposes these children innocent and makes them victims to the theory. But a higher law demands that those who may be innocent should be preserved from corruption; and that even such as have already fallen should not be plunged into a lower deep.

"A bill was introduced into Parliament during the last session which provided for the more summary disposal of juvenile offenders; and it is much to be regretted that it did not pass; for I feel assured that if a child's first offence were *immediately* punished by solitary imprisonment for some period not exceeding a month, the best results would follow. A prison would not lose its terrors by experience—as it now does; and the young offender, if not amended by the instructions of the schoolmaster and the counsels of the chaplain, would not be made worse by the example and conversation of profligates. This subject would bear much more extended discussion than can be afforded by the limits of this report; but I hope that nearly twenty years' experience in my humble office may authorize me to say that some such enactments as those provided in Sir Eardley Wilmot's bill are imperatively required by the present state of juvenile felony in Lancashire."

From Report for 1841.

". . . . The experiment of *solitary confinement* has been tested by the experience of another year. I am more and more assured of its value; and my conviction does not so much depend upon any abstract reasoning upon the matter, as upon the direct and decided evidence afforded by the language and demeanour of the prisoners subjected to its operation. It is very seldom that under other circumstances I find a prisoner melting into tears when I converse with him; but with regard to the *solitary*—for him to remain unmoved when '*the things which belong to his peace*' are offered to his acceptance is the very rare exception. It may be thought that the

tears I speak of are merely those which spring from worldly grief, or vexation, or depression of spirits; I cannot but think they flow from a better source, when I see them shed only a few hours previous to the prisoner's liberation; when it is natural to suppose that his thoughts would be entirely occupied by the anticipation of such an event. An expression most frequent in the mouth of the solitary is—'This is the best thing that ever happened to me.' . . . All that I have said and quoted fails to express my strong opinion of the necessity of separation, as far as may be practicable and consistent with real justice to the prisoner. And so far from excepting the *untried* from the operation of this discipline, I would afford them its fullest *benefits*. Separation does not, under the circumstances which I contemplate, and as applied to the untried, imply *solitude*. . . . In recommending solitude, however, the experience of the year suggests that it should be for short periods. At present, indeed, the power—I will not say of inflicting this punishment, but, of prescribing this remedy—is limited; and from what I have seen, I infer that it is not desirable to extend that limitation,—for that like other, and those the most valuable, remedies, it may be overdone. Periods of solitude should be interrupted by periods of labour,—the latter being superintended by the strictest vigilance. The spirit which may be wholesomely bent in sorrow and humility for a time might lose its due elasticity, if not permitted the relaxation necessary to its vigour. The mind must retain (humanly speaking) its full strength, when occupied upon such a work as repentance."

From Report for 1842.

"A *practised* thief, *now*, spends his short month of solitude in mentally re-acting past delinquencies and planning future ones. There is not *time* enough allowed to act upon his mind—so long habituated to depraved thoughts and speculations; he regards his month's imprisonment as a mere temporary interruption to his pursuits. But the watchful discipline of *twelve* months, comprising spiritual and general instruction, would, it is certain, afford greater hopes of amending him; at all events, if such treatment cannot reform him, I fear no human endeavours can. A question here arises,—is the separate confinement of long periods to be constant and unvaried? That should, I think, depend much upon the individual disposition to which it is applied; but as a general rule, it appears to me

necessary that weekly, or longer periods of labour, or exercise in the open air, should be permitted, in order to maintain the mind in that tone and vigour required by any one who is at length compelled to review the past, and resolve for the future. . . . With regard to the enforcement of *silence*, it is, I think, desirable that, upon all occasions, conversational intercourse among prisoners should be strictly forbidden. They have no *right* to it; and where it is allowed, the consequences are ruinous to the young and thoughtless, and productive of additional, demoralizing, and *unjust* punishment to very many who, notwithstanding their faults, are shocked by the ribaldry and blasphemy which pervades the 'yard.' Old and new offenders are in the proportion of one to two; and it is surely of great moment that the large portion of the unpractised criminals should be saved from the influence of the smaller number of inveterate offenders; and this can only be done, in the absence of complete separation, by the strict enforcement of silence. Still it appears to me that the imposition of mere silence upon men assembled in considerable numbers, cannot be expected to bring forth benefits beyond a certain limited extent. It may restrain profaneness and blasphemy; it may deter from future criminality, in some few cases, by its painful irksomeness; but I do not see in it the means of producing that deep and earnest self-examination which is the necessary prelude to self-conviction and conversion.

"In considering the very important question of prison-discipline, with a view to the adoption of any specific plan, it should perhaps be determined, in the first place, whether to *punish* for the crime already committed, to *deter* from the repetition of it, or to *reform the culprit*, should be the main object. It is scarcely necessary for me to add, that I consider the *reformation* of criminals a paramount object in their discipline."

From Report for 1843.

". . . . . The discipline in the Preston House of Correction has been gradually improving for some years past; but within the last eighteen months, its progress towards complete efficiency has been very great. The management now, compared to the strange kind of imprisonment once existing—it can scarcely be said *within* the Gaol—presents a remarkable contrast. There are gentlemen now in the magistracy, who recollect the time when it was *usual* to hire felons under sentence to act as labourers in

the neighbouring factories; and it is within their knowledge, that a man convicted of felony, and sentenced to a year's imprisonment, was employed, during the whole of that term, in the capacity of gardener at the residence of a gentleman within two miles of the town: this 'prisoner at large' merely coming *home* in the evenings to sleep. Long after such extraordinary laxity had disappeared, it still continued an almost daily practice to send prisoners into the town, for weaving materials, &c., in the society, rather than in the custody, of an officer. I have known, too, as a proceeding indeed which was of customary occurrence until the establishment of the county constabulary, prisoners brought to the Gaol in charge of coachmen, carriers, and carters;[1] and sometimes, in order to avoid unnecessary expense, the services even of these special constables have been dispensed with, and prisoners have arrived at the Gaol in no custody *but their own*, and have surrendered themselves to the prison authorities by virtue of the commitments carried in their own pockets! This may now occasion a smile; but it implied a sad abuse of discipline, for it showed that the prison did not possess its proper terrors for the idle and depraved. It was a graver matter too, that, until June, 1826, the female prisoners were attended only by male officers. For many years, the general employment of prisoners consisted in weaving; and although the profits derived from it contributed a not unimportant sum to the maintenance of the prison, yet, other parties sharing also in these profits, the result was greatly prejudicial to proper management and moral discipline. Prisoners who, at the time alluded to, were entitled to one-half of their net earnings, were discharged with more money in their possession than they could have saved in the same time by free labour; and the officials, receiving a per-centage on the value of the work produced, in their natural solicitude to urge that production to the utmost, attended but little to the order, cleanliness, and propriety so essential to a better system. The most common breaches of discipline, or rather of *rules*, at this period, were 'fighting,' 'gaming,' 'stealing from,' or 'swindling,' fellow-prisoners; and it cannot cause surprise, therefore, that—as always will be the case under similar circumstances—this general laxity should have led to the necessity for the infliction of the severest punishments. The resort to irons was frequent, and even the lash was sometimes called for. From 1828, however, may

[1] From the entries in my journal, I find that many escapes were effected from such custody, or were probably *connived at* by these irresponsible functionaries.

be dated a great improvement in the general routine, especially as to order and cleanliness. But my reports, from that time almost to the present, continued to show that much remained to be accomplished with regard to moral discipline. The crowded yards still echoed to brutal laughter, or more brutal blasphemy. . . . Most thankful am I to say that, now, the evils have almost entirely disappeared. The 'silence system,' introduced gradually, and without occasioning any 'movement' among the prisoners, is fully enforced, except as regards the untried; and I trust that legal obstacles will not much longer present themselves to its being applied to them also. When that most desirable object is accomplished, contamination will be as impossible, as it was before inevitable. The prisoners are now, during the day, seldom, if ever, from under the eye of an officer. They work, take their meals, and exercise, under constant supervision; and when any one among them has completed his allotted task, he may read—should he be able—his Testament, or some other suitable and improving book, uninterrupted by the wantonness or malice which formerly disturbed, if it did not entirely prevent, such an occupation. One division of the prisoners is on the wheel, where silence and the strictest order are observed; another is occupied by various employments in the large and well-ventilated room recently completed, and capable of accommodating one hundred and thirty prisoners, each man having a space of twenty-five feet square allotted to him; a third division is employed in the cook-house and in the thorough cleansing, &c. of every part of the Gaol; and a fourth —only existing at certain periods—is undergoing the sentence of separate confinement passed at the sessions.

CHAPTER V.

THE SEPARATE SYSTEM.

WHILE the problem of prison-discipline was still waiting for solution in England, a series of experiments was made in the United States which eventually attracted the attention of Europe. In America, as in England, it was soon discovered that prison-reform was a necessary appendage of criminal law reform, and the two, therefore, had progressed in conjunction. The double work commenced in Pennsylvania. From its earliest foundation the Quaker majority in that colony had striven to free themselves from their two chief abominations, oaths and the gallows. After a wrangle with the mother country of thirty-five years' duration, a compromise was effected: they accepted the gibbet-justice of England in consideration of being released from oath-taking. But the Pennsylvanians still regarded their bloody code as an intolerable grievance, and their efforts to get rid of it were presently resumed. At the very time that Howard was undertaking his universal gaol-commission, a "Society for Alleviating the Miseries of Public Prisons" was formed in Philadelphia; one of the chief objects of which was to substitute solitary confinement for hanging, flogging, and mutilation. The Society's projects were scarcely started before they were whirled aside by the War of Independence; but as soon as peace was concluded, its members, and the Quakers generally, revived their scheme for a mitigation of the penal code; and as even the non-Quaker element of the community was imbued with the doctrines of Beccaria (filtered into America chiefly through the French law-school), a revision of the criminal laws was at once commenced. In 1786 capital punishment was abolished partially), and afterwards by degrees almost totally) and a prison in Philadelphia

was appropriated for the reception of criminals who according to the old law would have been hung. In this, however, they were only confined at night: in the day-time with their heads shaven, in a peculiar dress, and loaded with iron collars and chains, they were turned out to work in the public streets. There their blasphemy and ribaldry, their riotous quarrels among themselves, their fierce and incessant mendicancy from the passers by—mendicancy which sometimes broke out into savage and even fatal assaults—soon became an intolerable nuisance. Moreover, desperate bands sometimes fought their way out of the insecure night-prison. The evil was endured for four years, and then the Society, which had vehemently opposed the law for the public employment of convicts, procured its repeal. New experiments, more in accordance with their views, were now tried. A Gaol in Walnut-street, previously used for the confinement of prisoners of war, was turned into a Penitentiary. Here the sexes were separated, employment was provided, the prisoners were classified according to the nature of their crimes, and thirty solitary cells were built for hardened and refractory criminals,—"in the hope (said a new act which was passed at the time) that the addition of unremitted solitude to laborious employment, as far as it can be effected, will contribute as much to reform as to deter." But in this prison solitary confinement was never fairly tried: the cells were dark and ill-ventilated, no labour was provided, no attempt made to prevent the prisoners talking (as they easily could) from cell to cell, and it seems that they were chained to the floor. The Penitentiary excited great interest; partly from the novelty of the experiment, partly from the chant of loud laudation with which transatlantic Quakerdom greeted the scheme.[1] The cleanliness was unimpeachable, the workshops presented a scene of busy, cheerful activity, fair profits were realized; and it so happened that for a time there was a decrease of crime in Pennsylvania, though this was due probably to the abolition of the old, not by any means to the establish-

[1] Echoes of the chant reached Europe. Laudatory accounts of the prison were published in 1794, in France, by the Duc de la Rochefoucauld-Liancourt, and in England by Captain Turnbull. At some of the romantic tales of prison-virtue told by the latter, Bentham and Dumont break out in a duet, "O vertu, où vas-tu te cacher," &c. &c.—*Théorie des Peines*, ch. xii.

ment of the new, prison. Fair as the discipline seemed, it gave no real check to mutual corruption among the convicts. By degrees, as public interest waned, and official zeal flagged, the prison, which was soon crowded to excess, became a sore and a nuisance to the city. That it was a substitute for the gallows was in fact the sole claim to the name of Penitentiary which it ever possessed.[1]

The example of Pennsylvania was quickly and widely followed. First in New York, where a revision of the criminal laws was commenced in 1796. The new enactments were moulded throughout in accordance with Beccaria's doctrines, and the penal code recently promulgated in Germany by his imperial disciple, Joseph II., seems occasionally to have formed the pattern. Hanging was abolished, except for treason and murder, and confinement in a State Penitentiary (to be built at New York) for terms varying from one year to life[2] was substituted. The prison was first used in 1797, and organized as a penal factory, which it was hoped would prove self-supporting. It contained twenty-two solitary cells, and the judges were empowered to sentence for certain offences to solitary imprisonment. But the power was rarely used. Labour, for some reason, was deemed incompatible with solitude, and the established dollar-worship promptly forbade the expense of punitive idleness. The cells, therefore, were never used except for the punishment of refractory prisoners. The discipline was professedly reformatory, but industry and cleanliness were the only means employed to render it such. Conversation, though regulated, was not forbidden, the night arrangements (eight in a dormitory and two in a bed) were most pernicious, and the supervision was lax: moreover, both instruction and religion were sacrificed to economy. The prisoners might have a school, if by

[1] "Si l'on demande," say MM. de Beaumont and De Tocqueville, "pourquoi ce nom fut donné au régime d'emprisonnement qui venait d'être établi, nous répondrons, qu'alors, comme aujourd'hui, on confondait en Amérique l'abolition de la peine de mort avec le système pénitentiare. On disait: *Au lieu de tuer le coupable, nos lois le mettent en prison; donc nous avons un système pénitentiare.*" The account given by these gentlemen of the American Penitentiaries (written of course in the usual French epigrammatico-philosophical style) is about the most readable that has been published.

[2] Petty offenders were still to be sent to the common Gaol.

working over hours they chose to raise the necessary funds. Instead of appointing a chaplain, who was voted an unnecessary expense, the prison was thrown open as a fit field for amateur zeal; in case that failed, the prisoners were allowed to sing psalms together on the Sunday, and to hear a sermon read by one of their number. The Penitentiary does not seem to have yielded the returns anticipated either in reformations or dollars.

Penitentiaries were erected in New Jersey, Virginia, Kentucky, and Maine, almost as soon as in New York; and rather later in Massachusetts, Vermont, Maryland, and Ohio. The discipline in all was in the main the same; the prisoners were congregated in workshops; supervision, instruction, and religion, were more or less neglected; profit, or at any rate a minimum of outlay, was striven for,[1] and solitary cells sometimes used to tame refractory prisoners. By degrees, however, it was found that these Penitentiaries were worse than useless: no punishment was inflicted sharp enough to deter; crime was bred and fostered by the felonious, libidinous talk in the workshops; and moreover, such discipline as existed at first was soon swamped by the rapid increase in the number of prisoners. In every State it became necessary to pardon convicts by wholesale, to make room for fresh batches of criminals.

The necessity, therefore, for a more efficient prison-system soon became urgent; and throughout the whole Union, but especially in the Northern States, the question of penitentiary-discipline excited eager discussions. In 1816 New York began a fresh series of experiments by erecting at Auburn a second prison, on the worst plan that could, perhaps, be devised. A range of cells was built, and two prisoners placed in each. By the end of three years the pernicious results of this plan were abundantly demonstrated, and therefore in 1820 it was abandoned.

By that time a belief in the reforming potency of solitude had become prevalent. Pennsylvania, where this belief had existed for fifty years, was the first State which undertook to act upon it. In 1818 a huge circular prison, for the western division of the

[1] In 1810 the Kentucky legislature positively refused to contribute for the future one cent towards the annual expenses of their Penitentiary. The keepers, therefore, simply abandoned all idea of reformation, or even of punishment, and made profits their sole object.

county, was commenced at Pittsburg, but not completed till 1827. It contained 194 separate cells, all on the ground floor; they were placed back to back, half facing inwards, half outwards. In these the prisoners were locked up in total idleness day and night. Five years after the prison was completed an act was passed for its demolition. The cells were so badly arranged that efficient supervision was impossible; so flimsily built that communication from one to another was quite easy; so dark, small, and ill-ventilated, that the prisoners sickened and died in them.

The Pittsburg prison was built so slowly, that the savage alacrity of four other States, Virginia, Maine, New York, and New Jersey, anticipated the experiment there by full five years. In the Virginian prison at Richmond, a range of fourteen cells on the basement story was selected, as well fitted for trying the effects of total solitude. The cell doors opened on a narrow passage, so dark that the turnkey in charge required a lantern when he paid his visits: nevertheless, a hole in the door, and in a few cells a small window above, were the only apertures for the admission of either light or air. Even in winter the cells were unwarmed, (in consequence of which one poor wretch lost his feet by frost-bite,) and in damp weather water trickled down the walls. No religious teacher ever visited the prisoner: bread and water was his diet; and six months of total isolation his sentence. The reformatory effects of this discipline could not be clearly ascertained, as most of the prisoners died of the diseases which it engendered. After what was thought a fair trial, the cells were disused.

The solitary cells used at Thomaston, in Maine, were underground pits, a little longer than a grave, and about two feet wider. They were entered through an iron trap-door, and down a moveable ladder; warmed by means of hot air from an adjacent furnace admitted through a hole in the floor; lighted and ventilated by a narrow slit near the ceiling, which went zig-zag through the wall, to prevent the prisoner seeing anything outside his den. In these pits the experiment of total solitude, with no food but bread and water, was tried on six picked convicts. The first, condemned to seventy days' imprisonment, hung himself

on the fourth; the second, whose sentence was ten days' shorter, held out till the twenty-fourth, and then followed his example: the other four, by the help of extra indulgences and occasional removals to the hospital, were induced to survive their allotted terms. This trial was deemed sufficient, and the pits for the future were merely used as sleeping cells.

In the State prison at Trenton, in New Jersey, the system was only applied to refractory prisoners. The solitude was aggravated, as at Richmond, by cold and hunger, and the convicts, as at Pittsburg, could converse from cell to cell. Ten prisoners, it is said, were consumed in making experiments here. At Auburn, shortly after the plan of coupling felons together had been abandoned, a new range of cells, expressly designed for solitary confinement, was erected. This range became the model for almost all that were afterwards built in prisons where the silent system was adopted. Double rows of cells, back to back, with a wall of great thickness between them, were built one above another to the height of five stories. In constructing the first cells some little oak timber was used, but afterwards nothing but stone, brick, and iron. The upper rows were entered from narrow galleries of stone guarded by iron railings; and the whole block was encased in a massive shed, large enough to allow a wide passage, open from floor to roof, right round the building. Large iron-grated windows in the side walls of the shed supplied the edifice with light, and stoves placed on the area-floor with warmth. The cells themselves were somewhat smaller than the pits at Thomaston: in height and length they were respectively seven feet, and in breadth three and a half. The upper part of the door was grated, to admit light, air, and warmth, from the passage: and the only other opening was a small pipe in the ceiling, which joined a flue in the thick partition wall. This was meant to act as a ventilator, but it could not of course prevent the stagnation of foul air in the lower part of the cell. In eighty of these cells as many convicts, chosen for their notorious depravity, were confined. Their solitude was absolute. No instruction (save a mute Bible), no labour, no exercise: the cells were never left for a moment. It was necessary before long to remove five to the

hospital, where they presently died, a sixth went raving mad, a seventh attempted suicide, twenty-six already on the verge of fatal disease or insanity, were hastily set free (fourteen of these at once committed fresh crimes), and the remainder were turned into the workshop along with the other prisoners. At the end of ten months the experiment was finally abandoned.

These fatal experiments produced a complete reaction of opinion in every State except Pennsylvania. At Auburn, the abandonment of the solitary was immediately followed by the adoption of the silent system—a system which had been in use for half a century in the Maison de Force at Ghent. Its introduction into Auburn is said to have been due to Captain Elam Lynds, the governor. This man was a notable felon-tamer. To break down and crush the prisoner's mind and will was the avowed principle on which he worked. When his gangs were thoroughly tamed, he declared bars and bolts, high walls, and chevaux-de-frise, were almost unnecessary; constant vigilance, aided by a cow-hide and a rifle, were amply sufficient to repress revolt and prevent escapes. Assuming, as a fundamental axiom, that every rogue is a coward, from this he logically deduced his system. He himself unhesitatingly acted on his theory. On being warned once that a certain prisoner meant to murder him, he sent for him to his bedroom, handed him a razor, made the dumb-foundered wretch shave him on the spot, and when the operation was meekly concluded, abused the man as a coward for sparing his windpipe. He impressed his own character on the whole system that he elaborated. The convicts slept in separate cells, but worked and took their meals in common. Not only was absolute silence enforced, but even for a dumb sign or a wandering glance, instant punishment was inflicted. No word was ever spoken; every want was expressed, every order given by signal. The vigilance was terribly keen. In the workroom an officer sat on a raised seat incessantly watching, and the walls all round were pierced with spy-holes: the convict knew that his slightest movement might be marked by unseen eyes. At night, warders with mocassined feet, stole noiselessly along the galleries, listening. The compulsory dumbness was all enforced by one single instrument, the cow-hide. Without

authority either from governor or magistrate, the lowest felon-driver on the establishment might condemn a prisoner to a flogging, and execute his own sentence on the spot. The necessity for reporting the alleged offence and punishment, was the only check on his power. The great number of convicts in the prison—there were nearly eight hundred—made, it was said, this free use of lynch-law inevitable.

The people of New York took the silent system into immediate favour. Visitors to the Penitentiary were struck with admiration at the perfect order and stillness which prevailed: and they saw no signs of the savage cruelty by which it was obtained, for the felon-drivers took good care not to flourish their cow-hides in the presence of strangers. Moreover, the system was in full conformity with dollar-worship—not only cheap, but profitable. The New York legislature, therefore, decreed the erection of a second prison—which was urgently needed—on the same system. A site was chosen at the Sing-Sing stone-quarries, on the Hudson river, and Captain Lynds, in characteristic fashion, set out, with hardly any assistance, in charge of a hundred convicts, each wearing a shackle on one leg, to commence the new buildings. The number was afterwards much increased, and of course, regular workmen were employed besides. But the convicts built the greater part of the prison, and during the whole period of its erection—some years—Captain Lynds, partly by lash and rifle, but chiefly by dint of his own iron will and lynx-eyed vigilance, kept his gang in abject obedience. No boundary wall was built for this prison, though its full complement was not less than a thousand prisoners: for it was cheaper, and therefore considered less objectionable, to shoot a convict occasionally, than to prevent escapes in the ordinary expensive way.[1] As the convicts at Sing-Sing were more numerous than at Auburn, no check at all was there placed on the under felon-tamers. They were to flog offenders, or beat them with thick cudgels, according to their discretion.

[1] Fire-arms were a common substitute for walls in the American prisons. "On approaching this prison [the Indiana Penitentiary] I found the gates wide open, and several of the prisoners working in the yard at stone-masonry. At a short distance was a man sitting on a gate, who immediately came towards me, armed with a pair of rifle-barrelled pistols."—CRAWFORD'S *Report*.

For a time the system at Auburn and Sing-Sing was vaunted as the perfection of prison-discipline; but by degrees the secrets of these prisons began to ooze into publicity, and in consequence, they soon fell into lower esteem. Painful investigations were necessary from time to time, and again and again it was proved that men (and at one time, women too—aye, even pregnant women) died after their floggings.[1] It is clear too, that many were driven mad by their treatment, and that fierce revolts were sometimes provoked. A story is told, to show the savage severity of the discipline, of a convict, who, maddened by the punishments he had incurred for his efforts to escape, killed himself by hacking a leg off, to prove that he would not repeat the attempt. After a time, a law was passed to protect female prisoners from the lash. Chains, hunger, and dark cells, were to be the substitutes; but till efforts were made to humanize and soften them, these proved quite insufficient. Not many years ago the women at Sing-Sing rushed on their turnkey, wrested his musket from him, stripped him naked, and flung him from a window on the second story. After this feat it was necessary to drive them into their night cells at the point of the bayonet. As regards reformation, the system seems to have been a failure. Great boasts to the contrary were at one time made; the recommitments, it was announced, were only three per cent: on further investigation, however, it appeared that the liberates, instead of forsaking their old habits, merely decamped into other States. Captain Lynds openly proclaimed his disbelief in the possibility of religious reformation; to turn out industrious workmen was avowedly his only aim; and the legislature very practically endorsed the opinion by miserably underpaying the "moral instructor," and impeding his ministrations. For some time indeed religious instruction was regarded as an infringement on good discipline. Yet after all, in spite of cow-skins, espionage, and the prohibition of religious irregularities, the discipline—if absolute non-intercourse was to be the test—was not perfect.

[1] It was proved, for instance, before a commission appointed in 1827 to inspect the Auburn prison, that a pregnant woman, named Rachel Welsh, died after having been flogged by one Cobb, an under-keeper. Yet the brute was never punished—not even dismissed from his situation.

Neither secret communication, nor even open talking, laughing, singing, whistling, and quarrelling, were ever suppressed entirely.

The flagellant variation of the silent system was adopted in many States, but in others a much milder form. At Wethersfield, in Connecticut, a wise and humane discipline was elaborated and maintained by two Messrs. Pilsbury, father and son, successive wardens of the Penitentiary. The lash here was never used—for it was found that when religion and kindness formed the basis of the discipline, short confinements in solitude, and curtailments of rations, were quite sufficient to enforce such silence as was necessary. Evening and Sunday schools were established, daily services held, and the chaplain visited from cell to cell.[1] Probably more convicts left this prison reformed than any other in the United States: yet there were two serious defects in the discipline: it depended for its efficacy almost solely on the benevolence and sagacity of the warden, and it was too easy to act as a deterrent. In spite of the liberal outlay (for nothing was sacrificed to the hope of dollars), a small margin of profit was obtained. At Charlestown, in Massachusetts, a Penitentiary on a system similar in the main (but the cat was used sometimes) met with equal success.

In Pennsylvania meanwhile, in spite of the vaunted success of the silent system, the superiority of the separate was stoutly maintained. Accordingly, the legislature decreed the erection of a second Penitentiary on that system at Cherry Hill, near Philadelphia, in lieu of the Walnut-street Gaol: for that prison, teeming with riot and lust, had become this long time a noisome ulcer in the midst of the city, and required speedy excision. The Penitentiary was commenced in the following year, but the progress of the building was retarded by interminable disputes in the legislature concerning the discipline to be adopted. The parties in favour, on the one hand, of solitude with labour, on the other, of solitude without (as at Pittsburg), were almost equally balanced. At last, in 1827, a commission was appointed

[1] He was paid, however, not by the State, but by the Boston Prison Discipline Society. This society had the credit of asserting the necessity of religion as the essential basis of reformatory discipline, long before the doctrine was commonly adopted in America. They supported, in a great measure, the chaplains at Auburn, Sing-Sing, Trenton, and Charlestown, as well as at Wethersfield.

to inspect the Penitentiaries of the other States. The result of this was the creation of a third party, for the commissioners reported in favour of the silent system. Between idleness in solitude and work in association, isolation with labour was of course a compromise: the advocates of this discipline, therefore, were presently triumphant.[1] The Penitentiary was now rapidly completed, and in 1829 the first convicts were admitted.

The erection of this Penitentiary was undoubtedly a turning point in the history of prisons. It has been to some extent the model, as regards both discipline and construction, for almost all Penitentiaries since built in Europe. The architect was a Mr. Haviland, of Philadelphia, and by adopting the design of corridors, with cells on each side, radiating from a central hall, he finally solved the problem of prison construction.[2] The design was not altogether novel, for Howard's architect, Mr. Blackburn, had built a gaol for the borough of Liverpool on this design forty years before, and afterwards forty or fifty more on the same plan had been erected in various parts of Great Britain: moreover, the respective advantages of the circular and the radiating constructions had long been under discussion in England.[3] Yet Mr. Haviland so completely and beautifully recast the old clumsy plans, that he has every right to be called the

[1] They had a powerful auxiliary in Edward Livingston, the author of the famous Louisianian Code.

[2] To say that the ground plan at once suggests a seven-sail windmill (there were seven corridors) will give an idea of the arrangement of the buildings. The last corridor was not completed till the end of 1837.

[3] At the old prison in Liverpool the radiating wings, six in number, were detached from the central building, which consisted of the keeper's house and the chapel: the corridors on which the cells opened were miserably dark and narrow. In some other Gaols the cells were placed back to back, and opened into the triangular yards, formed by the diverging wings—an arrangement by which the advantage of central inspection was almost sacrificed. Mr. Haviland at first fell into a somewhat similar mistake, and placed the doors of his cells in the outward wall: but the fault was soon perceived and rectified. The earliest example of the radiating construction was the Hospital (*i.e.* the House of Correction) of *San Michele*, at Rome, built under the direction of Clement XVI., at the commencement of the eighteenth century. This was perhaps the first reformatory prison in Europe: in its workshops absolute silence was enforced, and on its walls was inscribed the sentence since adopted as the motto of prison-discipine, PARUM EST IMPROBOS COERCERE PŒNA, NISI PROBOS EFFICIAS DISCIPLINA. Howard inspected and elaborately described this prison: it is extremely probable that from it he took, and imparted to his architect, Mr. Blackburn, the design of radiating corridors.

founder of modern prison architecture. In its main features the Cherry Hill Penitentiary resembled the now well known type of a separate system prison; though some modifications have since been generally adopted. Of these, the most important has been in the mode of lighting the cells. At Cherry Hill they were lighted from the roof: to accomplish this—which was deemed of great importance—it was at first intended that the corridors should be only one story high. When a second was afterwards added, the upper cells were made three feet shorter than the lower, that the essential skylight in the latter might still be retained.

The discipline established was of crushing severity. The sentences were sometimes fearfully long—never for less than one year, often for ten, twelve, or twenty; and during the whole time the convict never heard one whisper of news from the outer world, hardly ever saw a human creature save the officers and inspectors of the prison. The number of official visits to which he was entitled by law was not inconsiderable; still it would often happen that during the live-long day he saw nothing human but the hand that thrust his daily rations through a hole in the wall. On his first entrance he was stripped, washed, clothed in uniform, hoodwinked, and lectured by an unseen monitor on the necessity for implicit obedience; he was then taken to his cell, where the hood was removed, and he was left in utter stillness and solitude. He did not know where his cell was situated; hardly a sound could reach him through the massive walls, and for two days he was left to devour his heart in absolute loneliness,—nothing, not even a Bible, was allowed that could possibly distract or console. During this time he was carefully watched, and at last, when the usual symptom of thorough subjugation appeared, the piteous prayer, namely, "Give me work, or I shall go mad," first books, and afterwards employment, were granted. If his cell was on the upper story, he never left it; if on the lower, he might for an hour each day creep about a little walled yard at the back of it.[1] There was

[1] Carpenters, blacksmiths, and all who could not ply their trade in cells, were rather better off, for they were allowed to work in small shops, in company with an artificer turnkey. The basement cells in the later built part of the prison

no school, no instruction in the cell; not even reading was taught. On Sunday a religious service was performed in the corridors. To admit the minister's voice, the food-hole in each cell was opened; but the convict's eyes peering to catch some glimpse of humanity, were it only the blank face in the opposite cell, were baffled by a curtain hung along the intervening passage. The minister took his station at one end of the corridor, and by sitting with his head close to the aperture the prisoner could catch his words. Yet even such a service as this was a precious boon: merely to hear a human voice, other than that of a task-master or turnkey, quite independent of the gospel it preached, was a delicious relief in the blank monotony of the week. But no regular provision was made for this service, for no chaplain was appointed. The religious welfare of the prisoners was entrusted to the chance zeal of volunteer ministers. After spending 150,000*l.* on the Penitentiary, the Pennsylvanians allowed dollar-worship and sectarian jealousy combined, to mar their new system with this disgraceful defect. The triumph of some one sect at the expense of the others was thus avoided, and one item of expenditure saved.

These various experiments in prison-discipline excited great attention throughout the United States. The controversies which for thirty years had been sputtering periodically, crackled out sharply after the opening of the Cherry Hill Penitentiary. Discussions on minor points were suspended, or forgotten, in the dispute which then ensued between the advocates of the rival systems, silent and separate. The Boston Prison Discipline Society headed the one, the old Philadelphian Association the other; and while these maintained a hot wrangle as disputants in chief, flocks of lesser polemics on either side diligently cackled. But discordant as the rival hubbubs were on the spot, yet before the din crossed the Atlantic, it had melted somehow into one national anthem of indiscriminate eulogy on the great American penitentiary system.

That the system was not worthy of the plaudits raised in

were on a different construction: they had no yards, and the doors opened into the corridor—the doors of the earlier ones opened into the yards.

America, has, perhaps, been sufficiently demonstrated in this sketch of its history. That many of the States took the lead of England, and of Europe generally, in the mitigation of their penal code, is beyond a doubt. But while the code was rendered humane, the actual execution of justice in America was at once feeble and barbarous; parsimony, cruelty, and gross abuse of the pardon-power were the chief features. The common Gaols, at the very time that the Penitentiaries were so loudly applauded, were in a disgusting state.[1] The very Penitentiaries, too, had their origin more in dollar-worship than in philanthropy. In Connecticut, Massachussetts, and Pennsylvania alone, was the salvation of felons more valued than the profits of their labour.[2] In many States no care whatever was taken for their religious welfare. The real obstacle to the adoption of the separate system was the expense: there is something quite pitiable in the efforts of the Philadelphians, at first, to conjure a hope of remuneration out of their facts and figures. The fear lest the balance sheet would form the ultimate test of success is evident throughout.[3] It must be remembered, however, that it is the state of prisons in America thirty or forty years ago which has been described. Better principles have prevailed since then. The necessity for religious teaching and humane treatment is now thoroughly acknowledged: the physical wants of the prisoners are—and, indeed, always were—liberally supplied, for it was soon found that if they were to work well, they must be fed well. Even in the silent prisons the lash has fallen into

[1] One illustrative fact may be mentioned. It was the custom in the United States to secure the evidence of witnesses by committing them to prison. In the Gaol at Washington it sometimes happened that the witness and the criminal against whom he was to give evidence, were locked up in the same cell. In the slave States the Gaols were always crammed with negroes sent there for the convenience of their owners.

[2] Before the discovery was made that convict labour could be rendered lucrative, prisoners were pardoned by wholesale to avoid the expense of their further maintenance: afterwards sentences out of all proportion to their offences were often passed on convicts, for the avowed purpose of turning their crimes to the most profitable account.

[3] When some years' experience had proved that the Penitentiary would produce reformation, though not profit, a higher tone was assumed. "It should be regarded as a proud monument of Philadelphian philanthropy, that she has preferred the reformation and the social restoration of the convict to the secondary and comparatively trifling consideration of dollars and cents."—*Committee's Report on Eastern Penitentiary*, 1837.

disuse, and absolute silence is no longer enforced. The separate system has gradually supplanted its rival in public favour. New Jersey at once, and soon after Missouri and Rhode Island, followed the example of Pennsylvania; and subsequently other States have done the same. But the progress of prison-discipline in America will need no further notice in these pages.

The national vanity of the Americans was soon gratified by the arrival of commissioners from many of the chief states in Europe, to inspect their Penitentiaries. Prussia sent Dr. Julius; France, MM. de Beaumont and de Tocqueville, and afterwards MM. Demetz and Blouet; and England, in 1834, Mr. Crawford.

In England, ten years' experience had proved that the discipline established by the Gaol Act was a complete failure. The real increase of crime had been very serious, the apparent increase terrible.[1] The number of criminals swept into the net of justice was now much greater than formerly, for the summary jurisdiction given by recent acts[2] to justices caught many offenders who would once have escaped scot-free. The mitigation of the penal code had rapidly multiplied both trials and convictions; the relentings of prosecutors, the prevarications of witnesses, and the "pious perjuries" of jurymen, soon diminished when the law ceased to make them purveyors for the gallows. New enactments, which entitled the prosecutors of misdemeanants, as well as of felons, to the repayment of their expenses, swelled the calendars of crime. More crime, too, was now detected and punished in consequence of some slight improvement in the efficiency of the police. Owing to these and similar causes there had been a great apparent increase in the number of offences; but there was a real increase besides. The plague of pauperism, which the vicious administration of the Poor Law had spread over the country, the pernicious efficacy of new game

[1] Between the years 1806 and 1826, the population of England and Wales was nearly doubled, and the commitments to prison (not including summary convictions) nearly quadrupled. In 1806 there were 4,346, in 1826 there were 16,147. The increase, however, had been in petty offences against property, not in offences against the person, nor in atrocious crimes generally.

[2] In particular, the Malicious Trespass, Petty Assaults, and Vagrant Acts.

laws,[1] the steady growth of drunkenness, political disturbances, agricultural distress, and recurrent spasms of commercial panic—all these causes at this time were undoubtedly most prolific of crime.

And probably at no period of English history were the means of repression so impotent. The gallows, the old Gaols, with their manifold miseries, the pillory, ear-cropping, hand-branding, and scourgings at the cart-tail, had checked crime in some degree; or at any rate the two first had decimated criminals. But corporal barbarities and the gallows had now fallen into almost total disuse, and the Gaols had been made wholesome, not to say comfortable. The treadmill, scanty rations, or the want of clothing and bedding, rendered residence in some prisons irksome and hateful; and in many of those belonging to local jurisdictions the misery—the cold, hunger, and filth, were deterrent enough.[2] Some prisons were provided with ranges of separate cells, for solitary imprisonment was coming into fashion as a new mode of punishment, and was prescribed for certain offences by various recent acts;[3] in others silence was enforced, but nowhere very rigidly. In most prisons, however, the labour was light, the discipline lax, the food abundant, and the pleasures of filthy talk freely permitted. The classification enjoined by the Gaol Act had been universally impotent to prevent ruinous corruption; and, moreover, the directions of the act had been obeyed in only thirty-five of the hundred and seven prisons in England and Wales to which it applied. The mitigations of discipline to be found in many prisons were fully appreciated by the thieves; among professional rogues there actually grew up a connoisseurship in Gaols; to choose a com-

[1] In the county of Suffolk, for instance, commitments under the game laws had risen from two in 1812 to seventy-eight in 1822.

[2] Take a specimen. In St. Peter's Liberty Gaol, York, belonging to the Dean and Chapter, only twenty-five years ago, debtors and criminals were alike herded in one common day-room; there were only four sleeping cells, excluding two underground dungeons, which were not used except for punishment; the prisoners' associates were free to come and go as they liked, unlimited beer was allowed, and there was no religious service.

[3] In the House of Correction at Springfield, Essex, solitary confinement was inflicted on certain prisoners for terms as long even as nine months—and that without employment; but the solitude was broken by instruction in classes. At Devizes Gaol the solitude was much more severe, and inflicted on all the prisoners.

fortable one for their winter quarters was not an uncommon practice. One Middlesex prison, for instance, was styled in thiefdom "the British Hotel," and was honoured about Christmas-time with the chief custom of larcenous lodging-seekers. And while, thus powerless to deter, the Gaols were of course most efficient for the promotion of vice. The raw material supplied by ignorance, drunkenness, and pauperism, was there worked up into skilful and daring crime. Yet the prisons at this time were the chief means of secondary punishment[1] which the country possessed. To men with strong home ties and large families, transportation was still an alarming bugbear, but adventurous rogues without incumbrances regarded it as rather a pleasant contingency, in case of misfortunes in England. For from New South Wales and Van Diemen's Land there came alluring accounts of easy life, high wages, and even of large fortunes, all within the reach of prudent convicts. Nor were these accounts untrue, or even exaggerated, though they ought to have been counterbalanced by histories, which seldom or never came, of the bitter sufferings undergone by the less lucky transports. At an earlier period, the lot of all exported convicts had been uniformly miserable. Starvation, filth, and over-crowding, rendered the middle passage of the convict-ship as horrible as that of the slave-ship.[2] In the colony, where they were employed in gangs, chiefly in road-making, their life was miserable in the extreme. After a time, however, the number became greater than the colonial government could supply either with food or work, while the danger of herding together in large masses men of such desperate character grew most alarming. In order, therefore, to disperse the convicts over the colony, and to save expense, the "assignment system" was adopted. This system was then in full operation. The governor was empowered by act of Parliament to assign each cargo of felons, as it arrived, to the employers who applied for their services. As labour was precious in Australia, there was eager competition for the trans-

[1] The phrase "secondary punishment" came into use during the anti-gallows agitation, as a general definition for any penalty substituted for hanging.

[2] Or, perhaps, considering the diseased state of the convicts, rather worse. Here is an illustrative incident. Out of 300 transports shipped on board the *Hillsborough*, in 1799, 101 died of gaol-fever on the passage.

ports—though for some much more than for others. The greatest demand, of course, was for skilled artisans, who were generally the most depraved of all the convicts. Their labour was so valuable, that they could dictate their own terms, demand exorbitant wages, and be as drunken and insubordinate as they chose. Next in colonial esteem came the field-labourers; for these, who formed the great majority of the transports, the assignment system was a mere lottery: their comfort or misery depended entirely on the character of their masters; and as these were commonly ignorant, profligate brutes, often quondam convicts themselves, the lot of their assigned slaves was commonly extremely miserable. The lowest class in the felon-mart were the "gentlemen convicts"; brawn in the young colony being more precious than brains, many of them were left on the hands of the governor, and consequently incurred more penal discipline than if they had been assigned. Still some of them were sure to find employment as clerks and private tutors. Two or three thousand desperadoes were worked in "road-gangs" and "chain-gangs," and all who were reconvicted of fresh offences in the colonies were banished to the loathsome horrors of the penal settlements at Moreton Bay, Port Arthur, or Norfolk Island. Generally, therefore, the transport's fate was a wretched one; still the exceptional cases of better fortune were sufficiently numerous to mitigate considerably the terrors of transportation; especially as the good luck of the few was diligently bruited among the criminal classes at home, while the miseries of the many were hardly known. Compared with the abject pauperism of agricultural labourers in England during the last years of the old, and the first years of the new, Poor Law, the convict's condition in Australia might well seem enviable. By steady conduct he could soon obtain a ticket-of-leave, which laid on him no restrictions more irksome than to attend divine service weekly, to be present at occasional musters, and not to quit, without special leave, a certain district. The ticket, it is true, might be forfeited by bad conduct, but when once obtained, it was commonly soon followed by a free pardon. Moreover, no sentence of transportation, unless for fourteen years, or life, was ever carried into effect; for an absurd practice of passing

fictitious sentences was at this time in vogue. A sentence of death generally meant transportation for life; a sentence of transportation for seven years meant confinement for three years at the Milbank Penitentiary, or for four years at the hulks. The strick, irksome discipline at the Penitentiary was regarded with wholesome dread; but at that time it could barely receive a thousand prisoners, and the annual supply of criminals, worthy of transportation, was little short of twenty thousand. The odds, in fact, were twenty to one, that the felon, even if caught, would escape the Milbank cells: the odds must have been the other way to deter such reckless gamblers in life and liberty as constitute the criminal class; especially as neither of the other alternatives, transportation or the hulks, was by any means formidable. "The life in the hulks was generally considered a pretty jolly life," as a discharged prisoner told a parliamentary committee in 1832. Their work, indeed, was commonly noisome, laborious, and sometimes dangerous, and the punishments inflicted were at times savagely severe. But on the other hand they enjoyed many indulgences. Gradual improvements had taken place in the management of the hulks, and there was no longer any very intolerable starvation or nakedness on board; though fraudulent officials often cheated both the government and the convicts by dealing out old clothes and bad food. They were ironed, but their fetters were light; they were condemned to endure great filthiness, but not more than most of them could easily stomach; they were allowed a little pocket-money; a good round sum (20*l.* perhaps) was accumulating for them all the time of their confinement; they were free to enjoy their pipes and their quids, and to receive the visits of their friends, whose arrival entitled them to a holiday; with a little trouble they could procure newspapers and song-books; and occasionally in the evening, when work was over, they had "free-and-easy's," enlivened by singing, fiddling, and dancing, by jorums of hot tea, "smoke that you couldn't see through," and perhaps a smuggled bladder-ful of rum. By the bounty of their friends they sometimes kept Christmas nobly; hot joints, poultry, and even game, then graced their table; the absence of wine rather marred the feast, but the imaginative felons put small beer into glasses, and

fancied that it was sherry. What horrible talk ensued, what abominations were perpetrated, when the hatches were fastened down at night, cannot here be described.

During the three years of gusty politics which followed the dissolution of the Liverpool ministry, the cry of alarm at the rapid growth of crime grew louder and louder, and the necessity for further means of repression more and more palpable. Debates took place, returns were called for, and various measures proposed in addition to the consolidation of the criminal statutes, then in full progress. In 1827 and 1828, Lord John Russell called for committees to inquire into the increase of commitments and convictions. Of these came no immediate result, but in the following year a most important step was taken. Sir Robert Peel, by passing the Metropolis Police Act—an act which speedily abolished the "trading justices" and their "justice-shops," as well as the old Charleys, with their long bills and rascalities, their lanterns, Welch wigs, and watch-boxes—laid the foundation-stone of the present police system. While this act was under discussion, a philanthropic member proposed a bill for the summary conviction of young offenders, to save them from contamination while awaiting their trials in Gaols; but twenty years were to pass before this became law. In the same session, Colonel Davies, member for Worcester, revived the discussions on transportation and prison-discipline. A committee was to have been appointed to consider the double subject in the following year, but before there was time for either debate or action, there came the final break-up of old standfast Toryism; and during the mad excitement of the next year, the Commons, fallen into pell-mell chaos, distracted by wrangles, dazed by their own eloquence, and wearied out by morning-watch debates, had very little time to bestow on anything but the parturition of the Reform Bill. Colonel Davies obtained his committee on secondary punishments, which examined several witnesses; but the Reform Bill had a monopoly of public interest, and no minor matter could command attention. The fierce riots, however, at Derby, Nottingham, and Bristol, at the end of 1831, forced the nation to see how terribly crime had outgrown the means of repression. The necessity for a municipal

police was a chief topic in the King's speech at the opening of Parliament, and even in the midst of the final Reform debate, Colonel Davies' committee, which had been re-appointed, gained no little share of public notice.

The committee was not long in coming to the conclusion that, with the exception of the Penitentiary, the country possessed no means of punishment which was likely either to reform or deter. Among the witnesses examined was Captain Basil Hall, who had recently published a laudatory account of the prisons at Auburn and Sing-Sing; and on the strength of his evidence they warmly recommended a modification of the American system of prison-discipline. What they proposed was, in fact, the silent system, combined with abundant wheel-treading, in lieu of productive labour, which it was supposed could not be supplied to a sufficient extent in this country. In the efficacy of the treadmill firm faith was still put. For a certain number of hours the prisoners were to tread in total silence, but the rest of the day was to be spent on lighter work in their cells. The committee's eulogy of the silent system was the only portion of their report which produced any effect. The American experiments had by this time attracted great attention, and the pamphlets of the Boston Society were diligently circulated in England, chiefly under the patronage of the London Prison Discipline Society. In February, 1833, during a debate on capital punishment, inaugurated by the presentation of a monster petition, praying for further amendments of the criminal law, Mr. Lamb announced that his brother, Lord Melbourne, had sent Mr. Crawford to inspect the Penitentiaries of the United States.

The government could scarcely have chosen a better commissioner. Mr. Crawford had been one of the earliest founders of the Prison Discipline Society, and for many years he and Mr. Samuel Hoare, the chairman of the committee, had been about the least vocal and most practical among its members. A sedulous, sagacious man, with much more than official interest in his work, he fulfilled his commission in a thorough, business-like manner. His report, voluminous, trustworthy, and even tediously minute, contained a mass of most important (together with a

great deal of very unimportant) information. He quietly cleared away all the panegyrics which had been heaped on the "great American system," gauged its value afresh, and out of the facts which he had himself collected, produced a dry, veracious description of the famous Penitentiaries, unsparingly exposing their evils and frankly acknowledging their merits. MM. de Beaumont and de Tocqueville, in their report, published the year before, had given no verdict between the rival systems; but Mr. Crawford unhesitatingly gave his decision in favour of the Philadelphian discipline. He was afterwards charged with having prejudged the question before he left England, and probably there was some foundation for the charge. He was far too honest, however, to pervert facts in favour of the Cherry-Hill Penitentiary, or to suppress anything unfavourable; indeed, his severe strictures on the neglect of religious instruction there, prove that he was, in the main, open-eyed enough. But the very circumstances which he himself relates, indicate that the Pennsylvanian Quakers must have found him an easy convert to the belief that their discipline was sure to reform, without any risk of disease or insanity. Nevertheless, he did not venture to recommend the Philadelphian model for imitation at home. On his return, he thoroughly examined all the chief prisons in this country, to ascertain how far either of the new systems could be adopted in them. With great reluctance he at last confessed that the enormous expense of the separate system rendered its introduction almost hopeless. At one prison, indeed, the Glasgow Bridewell, it was in full operation. As early as 1815, the sagacious governor, Mr. Brebner, had introduced an imperfect version of the system; and since 1824, when the prison was rebuilt on the radiating plan, entire separation had been thoroughly enforced. But Mr. Crawford could not recommend this Bridewell as a model; it was a factory, not a prison, on the separate system. Such large profits were obtained from the convicts' labour, that though their average number was upwards of 300, the annual cost of the prison, everything included, was less than 600*l.* But the discipline was neither deterrent nor reformatory. A clergyman was hired at a cheap rate—the burgh justices shared 70*l.* a year between him and the schoolmistress—to visit the prisoners in their cells; but

there was no school, no chapel-service. The number of recommittals was most discouraging—no less than fifty per cent.; but this was partly due to a blunder perpetrated by the magistrates, who fancied it was the cheapest plan to inflict short sentences. To commit for a fortnight was the favourite practice, and of the prisoners so committed, three-fourths regularly returned within the year, while only ten in a hundred came back after six months' incarceration. On the other hand, a form of the silent system, precisely the same as that established at Wethersfield, had recently been introduced at the Wakefield Gaol, and the success of the experiment was undeniable. Grudgingly, therefore, Mr. Crawford recommended the adoption of a similar discipline throughout the kingdom.

His report had been anxiously expected. The cry for sharper methods of repressing crime, and especially for some more efficient system of prison-discipline, was growing importunate. The new science of statistics, which both the government and private individuals had now begun to cultivate industriously, had already taught the public the enormous cost of crime.[1] The increase of crime, too, whether real or apparent, was still fearful. Incendiarism, in particular, had spread like an epidemic from county to county—spread this year (1834) even into Scotland, where previously the offence had been utterly unknown. Mr. Crawford's report was presented to Lord Melbourne only just in time to procure an order for the printing from the House of Commons before the prorogation of Parliament. In the Upper House, Lord Wharncliffe, impatient of delay, had already moved for an immediate commission to inquire into the state of prisons; and it was only after a warm debate that he was induced to withdraw his motion.

Lord Melbourne's cabinet was pledged to introduce the American penitentiary discipline, but when Parliament met again Sir Robert Peel's ephemeral ministry was in office. As prison-reform was no part of his programme, the Duke of Richmond, in whose family this was an hereditary task, took it up, and in March procured a select committee to inquire into the state of Gaols. The labours of this committee were very important.

[1] The Statistical Society was established in March of this year (1834).

They continued their sittings for the remaining six months of the session, examined crowds of witnesses, amassed piles of returns and reports, collectively or individually inspected all the prisons within reach, and made no less than five reports. Nor did they confine their investigations to prisons only; the hulks, reformatory schools, convicts' transport ships, and the penal colonies, all came within the range of their exhaustive researches. But from the greater portion of this vast accumulation of facts there came no immediate result; it was with a view to legislation in a future session that they were gathered. The only bill, which the duke intended to propose at once, was introduced immediately after the presentation of the first report, and had already become law before the completion of the fourth and fifth. In the preparation of this bill he displayed great judgment. At an early stage of the proceedings it became evident that the time was not yet come for final legislation. With regard to the fundamental question, whether the silent or the separate were the better system, opinions were about equally balanced, and no witness could produce the conclusive testimony of sufficient evidence in favour of either. The former had already come into extensive use. Mr. Crawford's report had been read with great interest throughout the kingdom; and his eulogy of the Wakefield prison, as the model for the silent system, had occasioned many copies of its discipline. At Coldbath Fields, the energetic governor, Mr. Chesterton, well backed by his visiting justices, had promptly brought his eight hundred rogues into silence and subjugation as complete as that enforced at Auburn. On the other hand, in some few counties, separation was tried, but there was no prison which possessed cells numerous and convenient enough with which to make the experiment fairly. Already the controversy respecting the two systems, which presently broke briskly out, had begun. The committee inclined to, and indeed passed a resolution recommending the introduction of, the silent system. But it was obviously premature to attempt finality in prison-legislation, and accordingly the duke made his bill merely a preliminary measure. Yet, though it contained little more than two provisions, these have been the twin foundation-stones of our present prison-system. It had

appeared that the most palpable evil in the state of Gaols was the want of uniformity in discipline: from the cruel austerity in some, to the lax indulgence in others, there was every shade of difference. To remedy this, the judges were released from the duty (which they had totally neglected) of certifying prison-rules; and, for the future, magistrates were required to lay all proposed new regulations before a secretary of state, who was empowered to alter, add to, or reject them, and in the last case to substitute others. To introduce any rules without the secretary's certificate was made illegal. The second provision of the act gave the secretary the still more important power of appointing five inspectors of prisons in Great Britain. It was exactly a century since William Hay's committee had urged the necessity for such officers; Howard had strenuously pressed a similar demand, and almost every prison-reformer after him had pronounced them absolutely indispensable. The Irish prisons had already, for ten years, had the benefit of two official inspectors, and consequently the discipline in them was far better and more uniform than in English prisons. They were appointed under the authority of the Irish Gaol Acts, which had been passed about the same time, and in nearly the same terms, as the English acts. The question of appointing prison-inspectors for England had also been mooted; but the very natural cry was raised that the office would only serve the purpose of Tory jobbery, and therefore the proposal had been abandoned.[1]

The five inspectors[2] were at once appointed by Lord Melbourne, who was already in office again, and, at the urgent request of the committee, Scotland was made the especial pro-

[1] "We object to the office of prison inspector, for reasons so very obvious, that it is scarcely necessary to enumerate them. The prison inspector would, of course, have a good salary; that, in England, is never omitted. It is equally matter of course that he would be taken from among Treasury retainers, and that he never would look at a prison."—*Sidney Smith*, in 1821.

[2] It was palpable that the appointment of five co-equal inspectors would not necessarily produce uniformity of discipline, as each of the five might have his own pet system. The Duke of Richmond pressed this objection on Lord Melbourne, but there was considerable cogency in his answer, that if a head inspector was appointed, Mr. Crawford's claim on the office could not be overlooked, and his appointment would involve the immediate adoption of the separate system, which the government was not yet prepared to sanction. The Duke's predictions were partially fulfilled.

vince of one. The state of Scotch prisons was execrable. Originally in Scotland, besides the numerous royal prisons, every feudal lord and burgh had a local jurisdiction, and therefore a Gaol. But these prisons were wholly insufficient for the administration of justice, and at the end of the sixteenth century a law was passed to remedy the evil. The Crown, impoverished by the lavish grants made during the minority of James VI., was too poor to maintain its own prisons and prisoners, and at the same time too weak to impose the burden on the barons. The royal burghs,[1] therefore, being wealthy and comparatively helpless, were saddled with the whole expense. "Within the Space of Three Yiers," so the act[2] ordained, "in all the Burghs within this Realm there shall be sufficient and sure Jailles and Warde-houses biggit, uphalden and mainteined by the Provost, Bailies Council and Communities of the said Burghs, upon their awin common gude, or other wayes on the charges of the Burgh." Possessed at that time of much "common good," as their landed estates were called, and endowed with many lucrative trade monopolies, the burden was at first hardly felt by the burghs, but by degrees, as they lost their property and privileges, it grew grievous. The number of prisoners, moreover, and the length of their terms, had latterly increased greatly, for at first imprisonment was rarely used as a punishment in Scotland: and more than this—after the abolition of the heritable jurisdictions, the expense of maintaining all the convicts of the realm was thrown on the burghs. An act of George I. (known as the Disarming Act) allowed, but by no means compelled, county freeholders to assess themselves for the support of county criminals; which of course they neglected to do. The prisons, which were far too numerous, were (with a few exceptions) ruinous filthy dens, and the prisoners, generally dependent for their support on bankrupt corporations, were often left to hunger and nakedness. At the time of the passing of the Gaol Act, the loathsome state of Scotch prisons was fully investigated, but the only issue was a law[3] to enable the counties to assist in rebuilding

[1] Almost all the burghs were royal, *i.e.* possessed of a charter from the crown, which gave them greater privileges than the burghs of barony and regality, which were dependent on barons or bishops.

[2] James VI. Parl. 15, c. 277.

[3] 59 Geo. III. c. 61.

dilapidated burgh Gaols; as this law, however, like the Disarming Act, was not compulsory, but merely permissive, it was equally futile. The passing of a better bill had been prevented by the vehement opposition of the landowners; for it was clearly seen that a thorough Gaol-reform would necessitate a county rate—a tax hitherto unknown in Scotland, and hateful in the eyes of Scotch proprietors. Seven years later another parliamentary committee again investigated the still worsening condition of Scotch prisons; and so hopelessly bad did the existing system appear to the members, that they recommended the entire abolition of the burgh Gaols and the erection of district prisons. Nothing was done, however, till 1829, when an act was passed to compel burgh justices to make annual reports on the state of their Gaols, similar to those which the Gaol Act already required from English prisons. The Richmond Committee and the municipal corporation commissioners, who were prosecuting their inquiries at the same time, were unanimous in their condemnation of the disgusting condition of the burgh prisons: the latter reiterated the proposal of the committee of 1829 for district prisons supported by county rates, while the former urgently pressed for the appointment of a Scotch prison-inspector. The government, as already noted, acted promptly on the latter suggestion, and one of the five inspectors appointed in the autumn of 1835 was entrusted with the construction of a prison-system for Scotland. The gentleman selected for this important post was a younger brother of the Recorder of Birmingham, Mr. Frederick Hill. A more fortunate choice could hardly have been made. In less than ten years, with the aid of an act of Parliament passed for the purpose, a clean sweep was made of all the old prison abominations in Scotland, and a new system, on the plan suggested by the corporation commissioners, thoroughly organized.[1]

Although the Duke of Richmond and his committee only

[1] One illustration may be given to show the old state of Scotch Gaols. Many had not a proper resident gaoler; and the prisoners therefore were locked up from night to morning, beyond the reach of all help in case of illness or accident. In 1833 two prisoners were burnt to death in a Gaol which had thus been locked up and left in the burgh of Tain.—There were a *few* county Gaols in Scotland, but they had been built under the authority of special acts of Parliament.

introduced one short bill, they passed a long series of resolutions. They advised the speedy removal of all criminal lunatics from Gaols, where, under the existing law, they were kept to be the sport or the terror of their fellow-prisoners, till they died or were pardoned: they recommended that gaol-chaplains should be restricted to their gaol-duties, and that schoolmasters should be appointed in all but the very smallest prisons: they condemned the practice of giving wages to prisoners, and a share of the profits on prison-labour to gaolers and turnkeys: they urgently pressed for the immediate break-up of the hulk for boys, and the almost total disuse of those for men; if used at all, they prayed that it might be merely as occasional dépots for transports on their way to the colonies; the plan then in practice, of sending men there to have their corruption worse corrupted, prior to their discharge in England or their transference to the colonies, they vehemently denounced: and finally, they emphatically proclaimed the necessity for a prompt and complete reform of municipal prisons.

In fact, it was high time to redeem Sir Robert Peel's pledge (now eleven years old) to compel the aldermen to amend their Gaols, unless they speedily set about the work themselves.[1] But this same year there came on the aldermen a much more radical reform: Parliament, in spite of piteous outcries and tooth-and-nail resistance, with one rough and ready clearance brushed the rotten corporations off the face of the country. The reform of borough Gaols became immediately more feasible, when once old do-nothing squander-cash aldermanhood was dissipated into final non-existence, and a new set of municipal governments installed in place thereof: indeed, it was at once begun under the directions of Messrs. Crawford and Russell. Provisions for their amendment, however, formed no part of the original Municipal Reform Act, though the commissioners, on whose report that act was based, had exposed with ruthless minuteness their disgraceful condition. They were reserved, along with other matters, to be dealt with by a supplementary bill, which was brought in during the following session. This bill passed the

[1] See p. 99.

Lower House by a large majority, but the Lords so mercilessly slashed and disembowelled it, that in the mangled remains the Commons could scarcely recognise their original measure. A sharp debate took place at an open conference, but as neither side would yield a single point, a compromise was impossible, and the bill foundered. The year following, however, a not very dissimilar bill passed the Lords, half a dozen clauses in which assimilated the legal state of borough to that of county Gaols, and brought them within the reach of the Duke of Richmond's Act. Since that time the reform of both classes of prisons has proceeded simultaneously.

In this same session (1837), under the auspices of Lord John Russell, an almost final abolition of gibbet-justice was achieved; twelve offences only were left liable to the penalty of death. More recent enactments have reduced the number to three, and public opinion still further, to the single crime of murder.

On the appointment of the prison inspectors, England was divided into three districts, the Northern, the South-Western, and the Home. The proceedings of the gentlemen who were sent to the two former were not very notable or important; but the pair who were entrusted with the Home district inaugurated a complete transformation of the prison-system of England. The one was Mr. Crawford, the other the Rev. Whitworth Russell, previously chaplain of the Milbank Penitentiary, whose evidence before the Richmond Committee was by far the most important given. Their first report, presented in March, 1836, made no little stir. It consisted mainly of a ruthless exposure of the abominations in Newgate; indeed, it was so plain spoken in one unlucky paragraph that it involved the printers of the House of Commons in a prosecution for libel, and brought the House into sharp collision with the prosecutors on the question of parliamentary privilege.[1] There was not one person connected with the prison who escaped the disgrace of a reprimand; not even the old chaplain, Dr. Cotton, though for him

[1] The dispute, known as the Stockdale case, lasted over many years, and required an Act of Parliament (the Printed Papers' Act) to set it at rest,—which, for that matter, it did not do. The history of the case, which was a very important one, is fully given in Mr. May's recent "Constitutional History of England."

there was much excuse. For two-and-twenty years he had done his best, with no consolation but a good salary, to suppress abuses; but ridiculed and insulted by the prisoners, annoyed and thwarted by successive governors, brow-beaten by the aldermen, and snubbed by Mrs. Fry's Committee, he had at last subsided into perfunctory routine. The Newgate ladies, too, came in for a share in the impartial strictures of inspectors—the hearty praise bestowed on their self-denial and assiduity being qualified by admonitory hints on their want of judgment, their love of publicity, and their disposition to meddle with the regulations of the prison. The report produced some immediate good result. The ladies, though deeply grieved, entered with thorough good feeling into the inspectors' plans; and the aldermen, though in great wrath, recognised the necessity for some reform. With an ill grace, therefore, they made some partial amendments, though not one whit more than they could possibly avoid. Such improvements as they did make would, if they had been left to themselves, have been final. For the next twenty years they disputed, inch by inch, the progress of reform; and it was not till 1856, after eight years' endurance of exposure and reprobation, that the recalcitrant aldermen at last consented to try the separate system.[1]

Messrs. Crawford and Russell had been directed to find what solution they could for the double question propounded by the Richmond Committee—What is to be done with juvenile convicts, and with criminal lunatics? The latter question was soon answered; nearly all that was required, in fact, was to put a stop to certain ratepayers' wrangles, by tinkering up the flaws in some recent acts. A bill for that purpose was accordingly passed in

[1] This is worth reproducing:—"Gaol Committee of Aldermen. Friday, 18th of March, 1842. Resolved and ordered,—That the ordinary of Newgate be restricted from making any communication to the Home Office, or Inspectors of Prisons, and that he be required wholly to confine himself to the performance of his duty as required by Act of Parliament. (Signed) E. TYRRELL." It will be recollected that the City of London escaped from the Municipal Corporation Act, and therefore remained, for long after, almost the last stronghold of Turtle Toryism. Lord John Russell, who vigorously backed Messrs. Crawford and Russell, effected a much greater improvement in Newgate than any accomplished by the aldermen, by procuring an act for constituting Milbank the dépot for transports, Newgate having previously been used for that purpose. He also established certain regulations by which the prison was almost cleared of all but untried prisoners.

1838; and at the same time another for founding a Reformatory for boys at Parkhurst, in the Isle of Wight, by which it was hoped the harder part of the problem would likewise be solved.[1] The Parkhurst Act was due to the hungry energies of Lord John Russell: though saddled with the heaviest share of business in Lord Melbourne's Ministry, the indefatigable Whig man-of-all-work had already appropriated the task of prison-reform; that he performed the work, as far as his power went, thoroughly well, is beyond all denial. Immediately on the presentation of the Home Inspectors' first report, he obtained a select committee to consider the prison-laws. The Richmond Committee had supported their proposal for the abolition of the boys' hulk, by a mass of evidence on Reformatories for young criminals. Several of these were already in active and useful operation; the earliest was not less than fifty years old. Howard,[2] and still more Hanway, had written and toiled much to establish a better method of treatment for delinquent children: and not without effect. Inoculated with their doctrines, a band of kind-hearted Christians founded, in 1788, the Philanthropic Society, and established, in St. George's Fields, an asylum for the education of convicts' children, and the reformation of criminal boys. In 1806 the society was incorporated by Act of Parliament, and the asylum reorganized. In its later form it was a triple establishment; one department was a prison-school for young convicts, another a manufactory for the employment of destitute boys, and the third a training-school for pauper girls. The year before a "Refuge for the Destitute," intended chiefly for the reception of discharged prisoners, was opened at Hoxton. This Refuge was fortunate enough to obtain Government patronage and an annual grant. At the time of the philanthropic revival, which generated such a swarm of societies, institutions similar to these sprang up in all directions. The necessity for them had become very urgent indeed, for in the bad years which followed the return of peace there commenced a sudden and extraordinary

[1] The Parkhurst Reformatory was *first* suggested by Mr. Goulbourn, then Home Secretary, in 1834.

[2] "Boys," wrote Howard, "confined for correction, should always be separate from other prisoners, and, indeed, from one another. A kind and tender monitor should often see them, and without tiring their attention, converse with them as a friend or parent."

increase of juvenile criminality.[1] In 1817 a few magistrates of Warwickshire established, at Stretton-on-Dunsmore, "An Asylum for the Reformation of Juvenile Offenders," the prototype, in all respects, of more modern reformatory schools. About seven years later the governors of the old Bridewell Hospital founded a "House of Occupation" as an auxiliary establishment to that prison. It was chiefly intended for boys and girls who had shown hopeful signs of contrition in the Bridewell; but the incorrigible children of feeble parents were also admissible. About the same time Mrs. Fry and her ladies instituted a "House of Discipline" at Chelsea, for vicious and neglected girls. Rather later a "Children's Friend Society," organized by the exertions of a Captain Brenton, opened an industrial school for boy-vagrants at Hackney Wick, and another for destitute girls at Chiswick: the children from these two schools, when sufficiently reformed, were sent out as emigrants to the Cape of Good Hope. A bolder philanthropist, Henry Wilson, created and managed, single-handed, a school of industry for young thieves at Woolwich. The fame of the earlier of these institutions was carried to America, and "Houses of Refuge" in imitation of them were built in New York, Pennsylvania, and other states. The American philanthropists, of course, claimed the merit of inventing Reformatories; but Mr. Crawford, whose report contained a minute description of their Refuges, proved with pitiless cogency that they had borrowed the idea from the Philanthropic Society, just as they had obtained their silent system from Ghent, and their separate system from Howard's Act. The Richmond Committee gathered a pile of evidence concerning "Juvenile Penitentiaries," and urgently pressed the Government to make them part of the prison-system. Lord John Russell acknowledged at once the importance of the recommendation, and determined to act upon it. A vacant military hospital at Parkhurst was, as it happened, ready for immediate use, and here, before the close of 1838, the experiment was begun. The establishment is a prison-school, a manufactory, and a farm, all combined. The boy commences his term as a solitary prisoner, and gradually

[1] It led to the formation in 1815 of the Society for the Prevention of Juvenile Delinquency.

develops into a farm-labourer or an apprentice. To train the young criminals into fitness for emigration as free-settlers, or for transportation as convict-settlers, was the original intention; but of necessity this purpose has subsequently been almost abandoned. The Parkhurst Reformatory has been a costly experiment; and the good achieved, though undoubtedly great, has not been commensurate with the expenditure, nor comparable with the success of many less pretentious semi-private Reformatories. Red-tape blunders will in some measure account for the partial failure; and besides, it must be confessed that act-of-parliament philanthropy is no match for volunteer benevolence.

The Parkhurst Reformatory was only part of the new penal system which the Government proposed to create. The dilemma which had given such importance to Howard's mission, had again recurred; transportation had grown into so loathsome and horrible an evil, that the public, at last partially awakened to its nature, was desirous, not for total abolition—national selfishness forbade that—but for some amendment. The scheme, when first adopted by Pitt's Government, met with general favour; in fact, Howard and his friends were the only strenuous opponents. About twenty years, however, after Howard's death, Bentham and Romilly renewed the cry against transportation, and from that time it became the object of increasingly vehement attack. Still the system throve, with a sort of putrescent vigour, till the Archbishop of Dublin rose up against it. In 1832 he followed up a preliminary article in the *London Review* (an ephemeral quarterly since defunct), by "A Letter on Transportation to Earl Grey." The lucid logic of this pamphlet, which obtained thousands of readers, convinced all, who were not officially or otherwise incapable of conviction; and a second letter, written two years later, in answer to certain colonial critics, almost closed the controversy as far as reason was concerned. Still it was long before even an effective minority was thoroughly enlisted against transportation. A great number of the colonists were deeply interested in the felon-traffic; for a large party at home it was quite sufficient that Pitt had, half a century before, approved of the scheme; the ministry, overburdened with work, shrank from the difficulty of a task which no popular cry com-

pelled them to undertake. But the archbishop and his friends, in spite of the obloquy and ridicule heaped upon them, persevered in their assaults on "a system begun in defiance of all reason, and persevered in in defiance of all experience."[1] In 1837, Sir William Molesworth, acting in concert with Dr. Whately, obtained a Committee on Transportation. Probably no volume was ever published in England, of which the contents were so loathsome as the appendix to that committee's report. Transportation was commonly defended on two grounds;—firstly, because it repressed crime in England; and secondly, because it promoted the welfare of the colony. How impotent the exportation of criminals had been to diminish crime in England has already been noticed; the failure of importation to improve the colony was still more awfully calamitous. The regular supply of convicts, which had for many years stocked the labour-market far better than free emigration would have done, had indeed produced a rapid increase of wealth in the colony. But the colonists had obtained this advantage at an enormous cost to the mother-country—a cost certainly not less than 7,000,000*l.* Moreover, what was once an advantage had now turned to an impediment, for the supply had fallen far below the demand, while the horrible condition of the colony checked immigration. That condition was indescribably fearful. The convict slaves almost outnumbered the freemen; the men were thrice as numerous as the women: in proportion to the population crime was in amount five-fold, in atrocity six-fold, that of England. In 1834 (taking that year by way of illustration), there were in England, with a population of 14,000,000, thirty-four executions, while in New South Wales there were forty-four, though the colony only contained 66,000 inhabitants. The drunkenness was incredible; at one time spirits formed the chief currency of the colony, wages, in particular, being commonly paid in rum: it was reckoned that on the average every adult consumed about eight gallons per annum. The ticket-of-leave men and the emancipists formed a dangerous political party, strong enough to hamper and intimidate the Government; and it was a common proverb in the colony

[1] See Whately's edition of Bacon's Essays, p. 323.

that the ticket-holder was worse than the assigned convict, and the emancipist than the ticket-holder. The re-convicted felons, who worked in "chain-gangs," or were shot into Norfolk Island and the other cesspools of the colony, were, in the worst sense of the words, beasts. Altogether, it may be doubted whether in any community that ever existed the bestial and devilish elements of humanity were ever so fearfully developed, as in New South Wales and Van Diemen's Land thirty years ago. One people there once was, which might have vied in sin with our Australian progeny, and that people God expunged from off the face of the earth by fire and brimstone.

Various attempts had been made to check the evil, but it had grown worse from year to year. The ministerial section of the committee (which contained both Lord John Russell and Sir George Grey) tried, by cross-questioning, to elicit some facts in favour of the system; but though many of the witnesses were advocates for its continuance, the evidence from end to end irresistibly proved that Australia was becoming a vast lazar-house of ineffable corruption. That the colony was, at the same time, plethoric with sudden wealth, was rather an aggravation of the evil. In their report, therefore, which was a complete reiteration of Dr. Whately's pamphlets, the committee called for the immediate abolition of the present system, and the substitution of confinement in Penitentiaries for transportation. But this advice was marred, in spite of Sir William Molesworth, by a recommendation that the Penitentiaries should be erected not at home, but in Australia. The publication of the report, which was presented in March, 1838, raised the question of prison-discipline into greater importance than ever.

About the same time, Messrs. Crawford and Russell published their third annual report,—after Howard's book the most important volume in the history of prison-discipline. In the second they had done good service to their cause, partly by making another raid on the London aldermen, whose other Gaols were almost as bad as Newgate,—almost as bad as they were twenty years before, when two women had been found in one of them with no covering for their nakedness but a rug and their dirt,—but chiefly by drawing an elaborate comparison between

the two systems, silent and separate. The discipline in the Coldbath Fields' Prison was, at this time, as perfect a specimen of the former as could be obtained in England. There were two obstacles to the rigid enforcement of silence in this country; the public would not permit an unlimited use of cow-hide, and the ratepayers would not bear the expense of the large staff of turnkeys necessary for the absolute suppression of all intercourse. Mr. Chesterton, therefore, was forced to rely on ineffectual punishments, and to employ about one-fourth of his prisoners as monitors. To this make-shift, besides many other obvious objections, there was this fatal one, that as "the greatest rogue made the best monitor," monitorial privileges were perforce bestowed on the prisoners who deserved them least. But if all other difficulties that beset the silent system could have been obviated, there still remained the fundamental defect, that the discipline impeded reformation. It involved a constant duel between the prisoner's cunning and the officer's acuteness; and thus the former was entrapped into systematic trickery and falsehood. The incessant punishments, too, hardened and irritated the convicts. Moreover, the system required such patience, sagacity, vigilance, and honesty in every member of the prison-staff, as was not to be purchased at any price. The inspectors' criticisms, in their second report, shook public faith in the dumb discipline considerably; but it was their third (of which Mr. Russell was almost the sole author) that secured the final triumph of their own favourite theory.

Till the appearance of this latter report, the silent system seemed to stand a fair chance of ultimate adoption. It was patronized by the newspapers, for the public prejudice against solitary confinement, which forty years before had been so strong, had revived again. Two of the five inspectors were avowed opponents of the separate system; in fact, at this time they were carrying on a brisk controversy with their coadjutors at the public expense. The other system, moreover, was already widely adopted; for it had the great advantage of not requiring new buildings—an advantage of considerable importance, seeing that almost all the best prisons in the kingdom had been rebuilt, only fifteen years before, to carry out the classification enjoined by the

Gaol Act. On the other hand, the experience of three years in England had already shown that the silent was a faulty system; while latterly the arguments in favour of separation had been much strengthened. It was spreading in the United States, and was already adopted in France, Belgium, Prussia, Norway, and the kingdom of Warsaw. Dr. Julius, the Prussian commissioner sent to visit the American prisons, and MM. Demetz and Blouet, the second French pair, who had recently returned, had emphatically commended the Cherry Hill Penitentiary. The Transportation and the Prison Law Committees had both reported in its favour, and Lord John Russell had taken Messrs. Crawford and Russell under his special patronage. Accordingly, these gentlemen determined in their report for 1838 to make one strenuous effort to procure its final sanction by the legislature. They began by laying down the fundamental principles of prison-discipline, which they then demonstrated that the separate system (and that only) embodied; and, in conclusion, they propped up their logic by every authority, English or foreign, ancient or modern, which they could anywhere lay hands on. The report (in spite of bad arrangement and tiresome repetitions, which make it dreary to read) was a piece of able, but unfair, special pleading. All the strongest evidence against their theory was suppressed, and the arguments of their opponents feebly stated. They had increased the difficulty of their undertaking by hampering themselves with some indefensible and most unnecessary crotchets, which they wished to graft on the system: on the whole, however, their case was cleverly and convincingly maintained.

One portion of the report was deserving of almost unqualified praise. The year before they had put out various plans for new prisons, constructed chiefly on Mr. Haviland's Philadelphian model. It so happened that a fire at Milbank had burnt down two of the pentagons, by way of variation in the calamities of that luckless prison. They seized on the opportunity, which the necessity for their reconstruction presented, for trying, with all the professional assistance which they could get, a series of experiments in cell-building; and having thus obtained a satisfactory model for a cell, they proceeded to investigate the prin-

ciples on which cellular prisons ought to be built. Their first plans were crude and incomplete. To work out the problem of prison-architecture more fully, Lord John Russell gave them as a coadjutor Captain (now Sir Joshua) Jebb, who was at the same time appointed to the new office of surveyor-general of prisons, an office which constituted him prison architect-in-chief to the whole kingdom. The three performed their task most thoroughly and carefully. Some mistakes were made, of course; for instance, the apparatus they devised for warming and ventilating the cells was most cumbrous and expensive, and, after all, it supplied them with a sickly hothouse atmosphere. Still it has not been necessary to modify in any very important respect the plans and rules for prison-building which were laid down in this notable third report.[1]

Before it was actually published, Lord John Russell had brought in a couple of bills (April, 1838), in accordance with the views with which the two inspectors had primed him. The one was the Parkhurst Act, already noticed; the purpose of the other was to establish the separate system. The Commons passed the latter so slowly, that the session was within a week of expiry when it reached the House of Lords. On this account, therefore, it was received there with much touchy criticism, especially by some members of the Richmond Committee, who still favoured the silent system. The bill had to encounter both a grievance and an objection; the grievance was, that as Lord John Russell had spent three years over the measure himself (nearly that time had elapsed since the appointment of his Prison-Laws Committee), he might have given them rather more than a few hours for consideration: the objection was, that he had bestowed on himself (as Home Secretary) much too despotic power for the enforcement of the discipline which he patronized. The grievance and the objection combined caused the defeat of the bill by a majority of one. In February, 1839, Lord John introduced a similar measure, with such modifications as would conciliate his critics; and in spite of some sharp opposition to separate imprisonment, it passed almost unmutilated

[1] And almost all the alterations which have been made are due to Sir Joshua Jebb himself.

through both Houses.[1] The Separate System Act did not make the adoption of cellular discipline compulsory, but left justices free to accept instead a certain specified form of classification, rather wiser than that established by the Gaol Act. If, however, they resorted to individual separation, they were required to forego all cheap make-shift experiments; not to use any damp dark dens that they might chance to have in their prisons, but to build light, warm, airy, new cells expressly for the purpose. To ensure no violation of this prudent provision, the act enjoined that all plans for new prisons should be submitted to the Home Secretary, and rendered it illegal to confine prisoners in separate cells which had not been certified by him as fit for use. His decision really rested with his official deputy, the surveyor-general of prisons.[2]

Messrs. Crawford and Russell had strongly urged Lord John Russell to build a model prison, and accordingly he asked Parliament for the requisite grant and authority at the time that this act was passed. Both were readily given, and in the autumn of 1839 Sir Joshua Jebb was commissioned to choose a site, prepare plans, and commence operations. The site chosen was in Pentonville, not far from the spot which Howard had chosen sixty years before for his Penitentiary. On the 16th of April, 1840, Lord Malmesbury, as Home Secretary, laid the foundation-

[1] One most valuable clause to enable justices to pension off superannuated officers was struck out; in consequence of which they had no alternative between keeping an old servant long after he was useless, or else dismissing him, perhaps to find a refuge in the workhouse. A similar clause, however, was passed in a subsequent Prison Act about four years later. In the acts to abolish capital punishment, passed two years before (see p. 177), a legal obstacle had unwarily been created to the adoption of the separate system; for it had been enacted that no convict should be kept in solitary confinement for longer than one month at a time, or for more than three months in the year. It was therefore necessary, both in this act and in another which was passed during the same session for Scotland (see p. 175), and also in a third which was brought in the following year for Ireland, to lay down the fiction, that separate confinement should not be deemed solitary confinement. A clause in the English act deprived turnkeys of their per-centage on, and convicts of their share in, the profits of prison-labour: thus the only morsel of Benthamite doctrine which Parliament ever adopted in making prison-laws was eliminated. Some abuses detrimental to good discipline, which had escaped sweeping away by previous acts, were cleared off by this. Of course the act required some little subsequent patching, which was done for it in the next session by 3 and 4 Vict. c. 25.

[2] This act (2 and 3 Vict. c. 56), really created the office of surveyor-general; which, however, was eventually regulated by 7 and 8 Vict. c. 50 (An Act to amend the District Prisons Act).

stone,—there had been a change of places in the Cabinet after the short ministerial crisis in the previous summer, and Lord John Russell was now Secretary for the Colonies. Before the building was completed the Melbourne Ministry had fallen to pieces, and it was under the auspices of Sir James Graham, Home Secretary in Sir R. Peel's Cabinet, that the prison was opened in December, 1842.

The Model Prison was not actually the first built in this country on the separate system. A great cellular Penitentiary for all Scotland was opened at Perth in the spring of 1842, and in the autumn a small one in the city of Bath. The erection of neither of these, however, did much to advance the cause of prison-improvement, for as Reformatories they were both failures. The reason for this at Perth seems to have been that the prison, like the Glasgow Bridewell, was rather a manufactory than a Penitentiary. At Bath the justices committed the common mistake of passing sentences for only a few weeks, under the idea that this was a cheap plan; a fortnight was the favourite term, as that involved no diet but bread and water. No trades either were taught in the prison, and therefore the convicts were often discharged without the means of earning a livelihood, and that, too, in a neighbourhood where employment was scarce. The system, therefore, had not fair play; it deterred somewhat effectually, but failed to reform. The able chaplain, Mr. Osborne, had the mortification of seeing this, almost the earliest trial of the new theory, exercise hardly any influence in the settlement of the prison-discipline controversy.

In October, 1843, as already stated, a corridor of separate cells was brought into use at Preston; and about Midsummer, 1844, a large new prison, built on the model of Pentonville, was opened at Reading. It was chiefly in these three prisons that the problem, how to combine reformation with punishment, was worked out. The mode of treatment adopted in each was essentially different, and the history of prison-discipline in England for the next few years is bound up with the history of these three Penitentiaries.

The Pentonville Prison was meant to serve a double purpose, for the Government had a double question to solve; firstly, what

system of discipline to establish in the country; and, secondly how to dispose of "government convicts,"—convicts, that is, sentenced to transportation (or some equivalent punishment) supported out of the consolidated fund, and transferred to the control of the Home Secretary. Hitherto the destination of such convicts was the Milbank Penitentiary, the hulks, or the penal colonies; but the necessity for some more wholesome and efficacious way of dealing with them had now become pressingly urgent. Lord John Russell had already made some progress towards the creation of a new system. The practice of assignment had been discontinued; transportation to New South Wales suspended; and Van Diemen's Land made the sole receptacle of the human filth from England, which was there to be restrained and purified, as far as possible, by a new method, called the "probation system." This system the governor, Sir John Franklin, had already partially organized. An attempt, too, was made to diminish the number actually transported, but the accumulations at the hulks became, in consequence, so dangerously great, that Lord John incurred a reprimand from the House of Commons. In fact, the penal machinery of the country was perilously dilapidated and out of order; and as soon as ever the Peel Ministry was installed in office, Sir James Graham and Lord Stanley (the Colonial Secretary) were obliged to set about its repair. They determined to proceed with Lord John Russell's inchoate schemes, and in those schemes it was intended that the Model Prison should play an important part.

The controversy concerning transportation was at its height. A large party, headed still by Archbishop Whately and Sir W. Molesworth, were urgent for immediate abolition; but it was as yet vehemently defended, on the ground that the evils which had hitherto arisen were, one and all, the accidental results of mismanagement. This had been the view taken by Lord Melbourne's Government, and it was now adopted, with some misgivings, by Sir R. Peel's. Accordingly a half measure was adopted; transportation was to be, not abandoned, but reorganized. In November (1842), Lord Stanley sent a dispatch to Sir John Franklin to sanction the probation system, and give directions for its further development.

Five stages of convict-discipline were established; and it depended on the good or ill conduct of the convict himself, whether he passed the whole term of his sentence under the irksome hardships of the lower stages, or worked his way to the comparative freedom of the higher. Transports for life, and the worst among those for fifteen years, were sent to Norfolk Island, there to remain, at least two years, in a condition of abject slavery. From thence they were transferred to probation gangs in Van Diemen's Land, to which gangs convicts for shorter terms were consigned at once. For the gangs painfully hard labour was provided,—road-making, timber-felling, and the like; but for the sake of holding out inducements to good behaviour, each gang was broken up into divisions, the higher enjoying greater privileges than the lower. The convict was required to serve at least a year in the probation gang, and then he might obtain a probation pass. The pass-holders, likewise, were classed in divisions, some with greater, others with less privileges; they were allowed to enter into private service and receive wages, but they were not wholly free to spend their earnings as they pleased. The pass-holder, after a time, was entitled to a ticket of leave, the advantages conferred by which were now somewhat increased; and in due course of time the ticket-holder received a conditional or a free pardon. But to ensure thorough punishment before this grace was granted, every convict was obliged to pass at least half of his original sentence (a life-sentence was reckoned as twenty-four years) in one or other of the first three stages or discipline. A somewhat different scheme was adopted for the female convicts. For them a great Penitentiary on the separate system was to be built near Hobart Town; and after six months' reformatory treatment in that, all women who promised well were to be started on the path to emancipation, beginning with probation passes.

Into this system of convict-discipline the Model Prison was incorporated. The intention was to transform, if possible, the most hopeful portion of English felonry into honest emigrants, before they were dispatched to Australia. To this end a select number of healthy young convicts, under short sentences of transportation, were sent to Pentonville, where they remained

eighteen months to be taught trades and reformed. On their entrance they were made to understand that "the prison was the portal to the penal colony," and that their condition in Australia would depend upon their conduct in Pentonville; that on their arrival at the Antipodes they would, according to their previous behaviour, either obtain the all but perfect freedom of a conditional pardon,[1] or be subjected to the galling restraints of a probation pass, or else be consigned to the bitter slavery of a probation gang.

But besides forming an important part of the new penal system, the Pentonville Penitentiary was intended to serve as a model both of prison-construction and prison-discipline to the whole country. As soon as the cells were ready for use, an act was passed to give the establishment a legal constitution and an executive government. Under this act a board of eleven commissioners was appointed, who virtually deputed the management to two of their number, Messrs. Crawford and Russell.[2] These gentlemen, as already indicated, were thorough-paced advocates for the Philadelphian discipline; they had shut their eyes to all evidence against it, and did not hesitate to declare their belief that, with a better provision for their religious welfare, prisoners would thrive under such treatment, bodily, mentally, and spiritually. In the Model Prison, therefore, they were determined to establish the system, the whole system, and nothing but the system. Some modifications they were obliged to adopt. They were not quite prepared really to act on their avowed belief that a man might be shut up in a cell for a couple

[1] The condition being simply this, that they should not return to this country before the expiration of their sentence. The same terms were offered to the boys at Parkhurst. The Milbank Prison was at this time made the general dépot for transports. It was a great defect in Lord Stanley's scheme that a large number of transports, at least one-fourth, were never sent abroad, but, according to the old plan, confined for diminished terms in the hulks instead. Strenuous and successful efforts were at this time made to improve the discipline of transport ships. One noble man, Dr. Browning, especially devoted himself to this task, and during several voyages to Australia did the work of an evangelist among the banished criminals. In pp. 87, 88, of Mr. Kingsmill's "Prisons and Prisoners," there is given a vivid description of a convict ship in old times.

[2] 5 and 6 Vict. II. c. 29. The commissioners were, the Dukes of Richmond and Devonshire, Lords Wharncliffe, Chichester, and John Russell, the Speaker of the House of Commons, Sir Benjamin Brodie, Mr. Ferguson, Major Jebb, Mr. Crawford, and the Rev. W. Russell.

of years without injury to his health; nor to recommend that the prisoners should, on the Pennsylvanian plan, be preached to through the food-holes in their cell-doors. Moreover, a very simple sum in arithmetic showed that if they dispensed with a school and a chapel they would require, to give the prisoners sufficient instruction in their cells, a chaplain and a tutor for every hundred. Accordingly, to solve the problem of providing fresh air and religious teaching without infringing on perfect isolation, they extended the system to the exercise-ground and the chapel. In the former they built airing-yards, radiating from a central observatory, where a turnkey was stationed to watch the prisoners through peep-holes in the top corners of their triangular dens, while they dawdled out their dreary allowance of an hour a day: in the latter they constructed narrow boxes, ranged in the segment of a circle, tier above tier, and so contrived that when the men were fitted into their places, they could see no one but the chaplain, whose pulpit stood in the centre of the circle. The chapel, when built, combined the chief architectural features of a theatre and a menagerie.

The two commissioners had another reason for wishing to render the separation perfect. In the first place they were imbued with unlimited faith in the reforming potency of solitude; on their theory, the more complete the isolation the more reformatory the influence. The prisoner, therefore, might never exchange a word with a fellow-prisoner, however harmless the topic; only once in a quarter was he allowed to receive a visit or a letter: the officers were instructed to speak to him as seldom as possible; indeed, so strictly was this injunction carried out, that in chapel the order to leave his box was not spoken, but telegraphed,—an arrangement which had the additional advantage of preventing the incongruous voice of a layman jarring with the recent monitions of the chaplain. But besides putting such extravagant faith in solitude, Messrs. Crawford and Russell were at this time in full chase of a jack-o'-lantern fallacy, which the former had found flitting about in America, and which at this time had caught the fancy of almost all the prison-reformers. They maintained that the State was bound to preserve the discharged convict from future recognition by his quondam fellow-

prisoners. In pursuit of this idea they and their parliamentary disciples stumbled into various absurdities, of which the most notable was an injunction compelling all the prisoners to wear masks whenever they left their cells.[1]

In all minor details the discipline established at Pentonville was wise and humane. Though in obedience to the main principles adopted, the prisoners were treated rather like vegetables than men, the two inspectors, when not under the influence of their crotchets, were both too shrewd, and understood their work too thoroughly, to fall into serious errors. The officers of the prison were carefully selected; courtesy and kindness mitigated the rigid firmness with which the convicts were treated; the proportions of time allotted to labour and instruction were carefully balanced, and most defects in the discipline (except the radical one) were quickly detected and promptly remedied. The senior chaplaincy was entrusted to a gentleman whose devotion to his difficult and irksome task was beyond all praise, and whose name will always rank high in the catalogue of English philanthropists, the Rev. Joseph Kingsmill.[2]

[1] That it saved the prisoners from recognition after discharge, was by all the early advocates of the separate system (with the single exception, I believe, of Mr. Clay) propounded as one of its chief advantages. At Pentonville the attempt to effect this was palpably absurd: for after all the care taken to prevent the prisoners seeing each other's faces, they were sent out in the same ship, and landed in the same colony at the same time. After it was found necessary, too, to allow the prisoners to associate together to recover their social faculties, for a few weeks before removal, the use of the mask during the previous confinement was still continued. In fact, it was not disused till 1853, when Sir J. Jebb reported that "the mask or peak does not prevent prisoners from recognizing each other in prison; moreover, that as prisoners see each other before they are brought to the prison, come in considerable bodies, and are assembled together when they leave the prison, it would be desirable to discontinue it, since the use of it appears calculated to depress the spirits of the men without attaining any positive advantage." There is a touch of the ludicrous in the announcement of this official discovery, after ten years' employment of the mask. The absurdity had, in fact, been seen some years before; but it was defended on the ground that as Pentonville was the model prison, it was proper to demonstrate there, for the benefit of other prisons, that the mask *could* prevent recognition. However, the experiment was continued long after it was demonstrated that it could *not*.

[2] I believe that Mr. Kingsmill, almost from the first, dissented from the ultra theories adopted at Pentonville, and that the credit of the subsequent modifications is, in a great measure, due to him. He was one of the first to perceive the real use of separation. "We are led by our own observation," he wrote in 1849, "to value it but little as an *active agency* for reforming criminals, but to allow it a high place as auxiliary, in general, to that which is reformatory in the highest degree, *Christian instruction in the hands of Christian men.*"

The experiment at Reading was tried with the same zeal and humanity as at Pentonville, and under the auspices, too, of a chaplain fully Mr. Kingsmill's rival in hearty energy, the Rev. John Field, one of the best known advocates of the separate system. But the discipline established there was even more crotchety and indefensible than that at the Model Prison. The theory of the virtue-breeding efficacy of total isolation was thoroughly accepted, and all the machinery for its enforcement too—masks, menagerie-chapel, airing-cages and all; but the wholesome labour, which was the best branch of the Pentonville system, was lopped away, and a fallacy which the Berkshire magistrates styled "corrective education," was grafted in its place. "It is quite evident to us," they said, "that if we were to offer any mode of employment, and to give the prisoner an interest in what he was doing, we should lose entirely the control which we have over his mind; he would be thinking of his trade instead of his instruction." The doctrine held at Reading, in fact, was this, that the felon-reformers should get their patients' minds under their "entire control," and then give them an educational shampooing. To this end, therefore, the prisoners were "employed in nothing but education." They learned lessons from morning to night. The incessant mind-mill was never stopped, except by the necessary cell-cleaning, exercise, and attendance at chapel. At times, indeed, some little variation was granted as a privilege: "when tired of reading they picked a little oakum," or knitted stockings, or patched their shoes. But this gentle recreative industry was entirely optional; the burglarious navvy was indulged in a little occasional knitting, merely for the sake of the keener relish with which he would afterwards resume his studies. Hard brow-sweating labour was strictly forbidden, for fear his attention might be distracted from his reading. "In short," says an irreverent punster, "it was the Read—read—reading Gaol." In the day's routine ten hours were allowed for bed, two for meals, and nearly half the remaining twelve were allotted to lessons. There was "an hour's self-instruction in cells" after breakfast, after dinner, and after supper. In the forenoon there was an hour in the chapel, and every other day an hour in the chaplain's class; in the afternoon

there was an hour in school. This, however, was merely the regulation allowance of corrective education; the prisoner might indulge in as much more as he pleased. There were lessons, therefore, morning, noon, and night; and what made the matter worse, the Bible was the chief lesson-book. It was committed to memory by wholesale: several chapters, two or three gospels, nay, almost the whole New Testament, were sometimes learnt by rote by eminently studious felons. How they must have sickened over the task and the task-book may easily be imagined.[1]

The "cellular system" established at Preston, was widely different from the discipline both of Pentonville and Reading. Mr. Clay had advantages which neither Mr. Kingsmill nor Mr. Field possessed. At the time the experiment was commenced he had quite won the confidence of the magistrates, and in his attempts to develop his plans he was not hampered, in any great degree, with other men's theories, but allowed to put his own doctrines in practice without hindrance. A somewhat penurious economy on the part of the justices was the only serious obstacle he had to encounter.

The modifications which he introduced into the original separate system, are all noted in the extracts from his reports

[1] The words marked as quoted in the text are chiefly taken from the evidence of the then Chairman of the Berkshire Visiting Justices, and chief author of the Reading variation of the separate system, before the Lords' Committee on Transportation, in 1847. "Really I ought to call your Gaol a University of the highest order," was the remark of an amused peer, after hearing his description. I believe Mr. Field, though undoubtedly he placed great—in the humble opinion of this editor, much too great—faith in the reforming power of undiluted education, never held the extreme views of some of his coadjutors. My judgment probably is partial, but an acquaintance—certainly not slight—with the history of the "criminal question," has convinced me that in the community of prison-disciplinarians, the gaol-chaplains, though they have had almost a monopoly of abuse and ridicule, have been by far the most open-eyed and common-sensible. I must make room for one short illustrative anecdote. In a Gaol, which shall be nameless (I will merely say that the Reading system was adopted there), it was determined that the prisoners should be locked up in their cells with nothing but a Bible for edification and employment. The chaplain remonstrated against this folly, but in vain. "At any rate," was his final request, "give them Bibles with marginal references." "No," replied the spokesman of the visiting justices, "let them puzzle out the meaning for themselves." After all, this, though a very remarkable, was still a strictly logical application of the platform dogma, "The Bible, and the Bible only, is the religion of Protestants."

appended to this chapter. A few supplementary remarks, therefore, are all that are here needed.

From the very first he repudiated the belief in the necessity for, and harmlessness of, total isolation. He had read both sides of the controversy, and had never for a moment been imposed upon by the bold panegyrics of the extreme advocates of the separate system. He required no more solitude for his experiment than what would be just sufficient, in duration and strictness, to give the prisoner time for reflection, and to save him from further contamination. It was only his firm conviction that the conversation of prisoners, if permitted to converse, would inevitably be evil, that led him peremptorily to forbid all intercourse among them.[1] He had besides no faith in the power of solitude itself in all, or even in most cases, to generate good feeling. He was keenly alive to the fact that isolation was as likely to arouse vicious, as to foster wholesome thought.[2] All that he asked, therefore, from separation was, that it should guarantee the prisoners from mutual corruption, and make them think. To cleanse and hallow the thought, when once stirred up, he held to be his work, and not the system's. In fact, how to avoid contamination and compel reflection, without injury to the mind or body, was, in his opinion, the real problem; and as before the experiment began he was thoroughly convinced of the dangerous potency of the lonely cell, he at once took means to lessen its rigour—means which, after some years' experience, were adopted in most cellular prisons. He shrank from the idea

[1] "From all I have observed, it would seem inevitable that the conversation of prisoners, at the best, should be connected with their situation *as prisoners*. What, indeed, *can* be the subject of conversation between two or more men who only know each other as offenders against the law? Their sentences, offences, details of avowed crime, lucky escapes, false witnesses, spiteful prosecutors, harsh judges—to such matters conversation, however decorously carried on, must be led. But it may easily be conceived that the prisoner under sentence, and the prisoner set free, and struggling to regain a place among good men, would be so far different that subjects of conversation natural in one position, would be avoided in the other. In fine, when a prisoner has given such evidence of a salutary change that he may be thought deserving of the privilege of conversation, it would be far better, and more likely to conduce to our great object—his permanent reformation, to restore him to liberty entirely, rather than to trust him with the dangerous indulgence of intercourse with a fellow-prisoner."—*Report*, 1848.

[2] See especially last extract from Report for 1849.

of ministering the Gospel among men languid and listless with the dreary monotony of the cell, or perhaps trembling on the verge of insanity. "The mind must retain its full strength," was his constant saying, "when engaged on such a work as repentance."[1]

His manner of personal ministration among the prisoners was pervaded with the utmost thoughtfulness. He never suffered the religious teaching to degenerate into mere prison routine. It was his endeavour as much as possible to make the prisoner welcome religion as an alleviation of his punishment. He would have been the last to fall into the mistake (committed in some Gaols) of prescribing a certain religious dietary for the convicts. Nothing, in fact, could have been more repugnant to his feelings than to enforce a fixed spiritual regimen as part of the discipline. If, by an evil necessity, a man was left to learn what a Christian ought to know and believe to his soul's health, for the first time in a prison, he would do all that lay in his power to make the memory of that first lesson a pleasant one; not the memory of an irksome, hateful prison-task, but of a precious boon, which had rendered even the blank cell a tolerable—perhaps a happy place.

With this object in view, he sought to render the school, the chapel, and his own visits to the cells, all valued privileges.

[1] For the first few years after separate confinement was enforced at Preston, he watched with great care the effect produced on the health of the prisoners, especially noting what were the ages, the previous occupations, and the habits of those who throve, or pined, under the treatment. Though from the first far in advance of most prison reformers in advocating wholesale mitigations of strict isolation, yet he afterwards called for still further relaxations. For instance, in 1845 he wrote:—"The prisoners are never taught in classes, as by such a proceeding the advantages of isolation would be exposed to too much danger; and I am of opinion that the prisoner gives more thought and attention to his lesson in a cell than he could if forming one of a class." In a year or two he completely changed this opinion. He would gladly have made labour in the open air a regular part of the discipline:—"April 14, 1847. Many of the prisoners, who would otherwise be confined in the corridor, and who *have* undergone a certain term of 'encellulement' there, are now employed in the open air, in taking down the old buildings, &c. The superintendence over them is very strict, and, I believe, perfectly effectual. At all events, if a word of communication should be now and then risked, anything like *contamination* is impossible. Varied by this bodily and healthy labour, the service in the chapel seems to be more *enjoyed*. It is to be observed that this employment is only granted to the better conducted prisoners."

In the school the men met in open classes, and were not locked up in boxes, as in other cellular prisons. They were indeed forbidden to speak, except to the master; but the penalty of expulsion from the class was quite sufficient to ensure implicit submission to the prohibition. Great care was taken to make the lessons so interesting, short, and infrequent, as to ensure their being enjoyed and prized.

But it was on the chapel-service that his most loving care was lavished. In the old days of pernicious no-discipline he had struggled hard to make it effective and impressive, and even then not quite in vain.[1] Still for twenty years he seldom spoke or wrote of the service without bitter despondency. He bore, indeed, uniform wondering testimony to the good conduct and unfeigned attention of most of the prisoners; but in the act of preaching, when he marked the fixed look and furtive tear that indicated the stir of better feeling, he was, he said, often sickened, and almost silenced, by the thought that in a few minutes this short gleam of divine life would render the poor wretch, who felt it, the butt of his ribald class-mates in the yard. "You

[1] The following beautiful incident is taken from his last Report:—"Even under the demoralizing no-discipline which I had to contend with thirty years ago, some prisoners listened with profit to the anxious appeals made to their better nature. In June, 1856, having been summoned to give evidence before a committee of the House of Lords, a circumstance occurred to me when in London which is thus noted in my prison journal. . . . 'Going down Southampton-street, I was suddenly accosted by a decently dressed man, apparently fifty or fifty-three years old, who addressed me by name—"The Rev. Mr. Clay, I think?" I acknowledged the identity, and inquired his business. He replied that he wished to thank me for a sermon he had heard "when under my care." I observed that it must have been a long time ago, for I had no recollection of him whatever. "Very likely," he said, "for I was quite a lad then. I was tried for robbing a man; and it's quite true that I did it; but I have been doing well ever since, and no one here in London knows that I ever was in prison but my poor father and mother." He then told me his name, trade, and address. In answer to my questions as to the time of his conviction and liberation, he said, "I received my discharge in *October*, 1827!" After some further conversation, and mutual expressions of satisfaction and good-will, we parted. I subsequently found his name, trade, and address, in the London Directory, as he had given them; and, on my return home, I also found his name in the prison books as that of a young man of twenty-one who had been convicted in 1825 of a robbery from the person, and sentenced to seven years' transportation. This would agree with the apparent age of my London acquaintance, who, in all probability, would, by good conduct, obtain his discharge about the time mentioned by him.' '*Cast thy bread upon the waters, and thou shalt find it after many days*;'—in this case after thirty-one years."

cannot think," he would sometimes say, "how painful it is to labour among these men, with the consciousness ever before you, that the higher you raise them the lower will be the consequent fall." But in spite of his disheartenment he still strove to make the chapel counteract the accursed influence of the yard. And now and then would come a sparkle of rich success to brighten his despondency—a letter, perhaps, from some almost forgotten prisoner, telling of character and happiness regained, and tracing the recovery of both to words heard in the chapel of Preston Gaol. It would sometimes happen, too, that a prisoner, after maintaining close reserve up to the moment of his discharge, would then urgently beg permission still to attend the Sunday service in the prison. Some conception of the diligence with which he toiled to gain the ear of his congregation, may be gathered from this circumstance, that, for many years after he was ordained, he always carefully studied beforehand the lessons for the day, with a view to reading them as effectively as possible. He took great pains to acquire the habit of "speaking, not reading" the service, so as to convey the utmost possible meaning to his dull, ignorant hearers. His old studies in elocution now served him in good stead. It was a solemn thing to hear him, with his strong clear voice, rolling the verses slowly down the chapel—so slowly as to enable the prisoners to give to each single word that deliberate attention, without which illiterate hearers, unused to long sentences, lapse into bewilderment.[1] Yet at the same time he read with such just emphasis, intonation, and feeling, that even to the educated listener the meaning of the familiar language seemed almost doubled. Similar care was bestowed on his sermons. It was in perfect keeping with his characteristic proneness to rely rather on "taking pains" beforehand than on the prolific readiness which he undoubtedly possessed, that he allowed fifteen years of his

[1] "Recollect in your delivery," was the advice he once gave to a young clergyman recently ordained, "that the poor hear very slowly. If you will only take care to speak deliberately, and to *speak*, not *read* your sermons, you may gain the ear of the working class, long before what you have written is really worth attending to." In his own chapel he only used two of the three services usually read in the morning: the length of time which, on account of his slowness, would otherwise have been occupied, compelled the omission of one.

chaplaincy to elapse before he ventured to preach extempore: and even then he spent two years in weaning himself from his previous custom. These written sermons—recasts, for the most part, of the standard discourses of some old English divine—were all simple, clear, and cogent, but somewhat lacking in warmth and colour. Their efficacy must have lain chiefly in his good elocution. After a few years' practice in extempore preaching, he acquired a faculty for addressing the prisoners in a manner which secured their absorbed attention. The spectacle of those two or three hundred upturned faces—blotched, sin-stricken, ugly faces, generally—staring with half-stolid animal-like fixedness at the preacher, was one not easily forgotten. Few men, probably, could have cast such a spell, as he did, over an audience so dull-brained, so incapable of following the simplest argument. But the chief thing to be noticed was the honest means by which he gained their ears. "I never heard anything so logical from a pulpit before," was the remark of a very competent judge, after hearing him preach. Probably what the critic meant was, that he had never heard such a *single-topic* sermon; for this epithet, in default of a better, may be coined to describe his style. "It is my plan," was his own account of his sermons, "to be content with one idea; that is quite as much as my poor people can take in at once; but I try to enunciate my one idea as distinctly and as completely as possible. My endeavour is to keep out all other subjects, which would only embarrass them, and to make all my reasons and illustrations fit together so as to build up one single complete compact notion for them to carry away." To an educated hearer the impression left by his sermons was, that he had brought some old familiar truth, hitherto but dimly seen (as through an ill-focused telescope) into sharp clear distinctness; and the inference was, that the most stupid in the chapel, however irreceptive, would understand his meaning in some vague way at all events.[1] The sermons were so fluent, so nearly eloquent, that one peculiarity

[1] It was still very little that many understood. He writes thus on one occasion in his journal:—"April 24, 1843. Upon going my rounds among the prisoners in separate confinement, I took occasion to inquire into the comprehension of yesterday's sermons. Several of them admitted that they only understood

would probably escape an uncritical listener—the scanty use of any words but monosyllables. The number of words, too, that were employed was extremely small, yet the language never seemed bald and meagre. In fact, his greatest difficulty was to find words that the prisoners could comprehend. It was his often-expressed opinion, that the vocabularies of many prisoners did not contain a hundred words, beyond those expressive of their animal wants, and those belonging to their trade.

It was, then, on singleness of subject and simplicity of language that he mainly relied. Occasionally there was a passionate appeal to the feelings, or a stroke of irresistible pathos: but to these he rarely resorted. The emotions of the ignorant are so heady and uncontrollable when once aroused, and the discipline of the separate system rendered the prisoners so susceptible to excitement, that it was only seldom, and then very carefully, that he ventured to play on their feelings. Had he wished it, he might have had a revival in the prison once a month. But when he did touch the heart-strings—when, for instance, pointing to the young lads in the front rows, he appealed to fathers and mothers for mercy on their own neglected children, or when he told some moving tale of sin and misery—simple and unexciting as the language always was, yet there was something in the manner, in the voice, in the whole man, that was quite irresistible; and half the faces in the chapel, brute faces as they mostly were, would be wet with tears.[1]

His thorough acquaintance, too, with the language, habits, and feelings of the working and criminal classes was of great

'a bit' of what had been said to them. Others, I am thankful to say, proved that they had attended to my addresses and had comprehended them. One of them said, while the tears rolled down his face, 'I think I know the difference between worldly sorrow and godly sorrow.' "

[1] On one occasion he elicited a display of emotion for which he was unprepared. He had been telling, quietly, yet with some pathos, the story of Sir Robert Peel's death. The moment the name—which had been kept back to the last—was given, it was evident that a slight sympathetic shock passed through the congregation, and in a few minutes several of the older men were quietly crying. He afterwards found that among the mechanics of Lancashire, Sir Robert's name was a household word. With the very dimmest notion of what he had really done for them, they considered him the "Friend of the Poor." Generally, the illiterate working classes have an indistinct idea that the people who make the laws are their natural enemies.

use to him. He could at once dress up even a thought unfamiliar to them in their own words. It was no uncommon thing to see a smile of surprise and amusement glance across the face of a "knowing hand" (seated, perhaps, for the first time in the chapel) at some phrase in the sermon, which indicated the parson's perfect knowledge of his way of life. In estimating, however, the success of his preaching in the prison chapel, one great advantage which he possessed must not be lost sight of, namely, the entire novelty of his subject—an advantage which the incredulous public, firmly convinced that every chaplain is a dupe, and that felonious convicts, while they weep with one eye wink with the other, has wholly overlooked. In rummaging through old prison reports, this editor has found that the chaplains of even the worst Gaols, before the introduction of cellular discipline, were almost unanimous in declaring that prisoners, however depraved, would give genuine attention, at the time, to a short simple service and sermon; they were, indeed, as unanimous in lamenting that the impression was transient; but the return from the chapel to the yard—from Christendom to devildom—was enough to account for that. Yet, any man who believes in the power of the Gospel, and understands how utterly unknown that Gospel is to the felonry of England, will not discredit the marvellous effect produced by an intelligible preacher in a prison chapel. On this matter one whose frequent attendance in the chapel of Preston Gaol had qualified him for forming an opinion not quite worthless, delivers himself thus:—

"How is it that this doctrine of the Cross is so impotent to move us? Why, we know it so well that we hardly know it at all. We have heard it preached so often that it has almost lost the power to rouse us. Familiarity has bred indifference. . . . . But there are times and places in which you will see the doctrine working with divine efficacy. In this Christian land there are millions of heathens. They know nothing of God and His Christ; they never darken the door of a church; they will not come to our special services. But now and then you have a chance of preaching God's Gospel to them—in prison chapels, and such places. Did you ever see it done, and mark how it was done successfully? The preacher may speak of

heaven, but those men cannot understand him. Spiritual pleasure is a thing utterly beyond their comprehension. They know of no happiness except gross, foul, animal indulgence. The preacher may speak of hell, and they will wince. It would be terrible, if true. But is it true?—They harden themselves and won't believe it. But now let him preach Christ crucified; and mark the effects of his preaching, as in vivid, strong words he tells the story of that Life and that Death—the story of that Friday morning. . . . . As he speaks thus, and tells the tale in living language, watch those men's faces—faces stupified, marred, brutalized by years of selfishness and lust and gross ignorance. Here and there you will see one on which the look of sullen defiance and stolid stupidity is beginning to change. It changes and softens; a gleam of intelligence and better feeling passes athwart their features. That strange novel idea of God having actually suffered to save them from suffering, astounds and bewilders them. Unwonted feelings and thoughts begin to stir in their hearts. Vaguely and dimly they begin to feel that they ought, they must, they will, love this Jesus, who has so loved them. They feel that they should like to do, to suffer, something to prove their love. The old self-love is shaken; the new life from God is stirring within them; and when those men go back to their cells, they will kneel down, and in their half-dumb inarticulate fashion, they will gasp out a prayer.

"I speak that which I do know, I testify that which I have seen."[1]

In pursuance of his wish to surround the religious teaching with pleasant associations at the time, and to hallow and beautify the after reminiscence, he availed himself of every accessory that he could procure, to make the chapel and the service attractive. He would never consent to the use of the

[1] Out of many similiar entries from his Journal, let me select the following:—

". . . . It is a thing of almost *regular* occurrence for prisoners to seek *special* interviews with me on the Monday or Tuesday, in order to express some feeling, or seek some advice—in reference to the chapel service of the preceding Sunday. Their earnest and unfeigned attention, not seldom their evident emotion, are encouraging symptoms of the influence which that service, under God, is exercising."

chapel as a school-room. "It might interfere," was his objection, "with the reverential feelings which I wish the place itself to excite. Considering the momentous interests at stake, I must not run any risk of lowering the influence of our 'Holy Place.'" Everything suggestive of punishment, or suspicion, was as far as possible excluded; and great pains were taken to assimilate the service to that of an ordinary church. The prisoners were encouraged to join heartily in the responses, and a choir was selected from among them, and carefully trained. The good effects on the convicts of sacred music was so marked, that more chanting and psalmody was introduced than is usual in most churches. At the time the first new corridor of separate cells was built, the then chapel (an unsightly, inconvenient room) was large enough to contain all the prisoners. Shortly afterwards, however, the number increased so greatly that nearly half were perforce excluded from the service.[1] Yet the magistrates were so wedded to irrational parsimony, that a small grant for building a larger chapel was not obtained without great difficulty and a sharp skirmish. The grant was barely sufficient to pay the cost of erecting the outside shell. For all the finishing and decorations of the interior he was obliged to rely on the prisoners themselves. But this was no cause for regret; for the eager interest excited among those who were privileged to share in the work proved most beneficial to them. It was by prisoners that the panels in the roof were painted blue and spangled with yellow stars or adorned with ecclesiastical devices; that the Creed, Lord's Prayer, Ten Commandments, and chosen texts were gilded on the wall on either side the altar; that the pulpit, reading-desk, altar-rails, and chairs within the rails were carved. They tried, too, under his directions, to paint the windows, but in this they were less successful. When all was finished, he gave the chapel a gift of his own handiwork —a large altar-piece representing the Crucifixion. Though at the time burdened with over-work, and in ill-health, he contrived to spare an hour or two daily during some months for labour upon this picture. It was painted under great disadvantages,

[1] The cause of this increase is fully explained in the subjoined extracts.

in haste, without having models and proper appliances; with no help, in fact, except a few choice engravings and an exquisite ivory crucifix. Nevertheless, the picture is striking and beautiful, and in spite of some blemishes, takes no low rank as a work of art: as the work of a self-taught amateur, who had to contend with endless difficulties, it is very noticeable. He hoped that the picture would exercise a holy influence on the prisoners, and he was not disappointed. It was no uncommon thing to see the eyes of a fresh prisoner fasten upon the thorn-crowned head, and hardly ever look away during the whole service.[1]

About the same time that he began to preach extempore he dropped his former mode of addressing his congregation, and instead of the title "prisoners," never afterwards used any other but "fellow-sinners." This change was in full accordance with the conviction, which he gradually acquired, of the necessity for the greatest delicacy in their spiritual treatment. That prisoners had a special right to such delicacy was the main rule that guided his conduct in his visits from cell to cell. He would never go into a cell and sit down and cross-question a man about "the state of his soul." He would have shrunk with repugnance from doing so with any person — partly because, with a feeling of genuine religious courtesy, he shrank from spiritual intrusion, and partly because he was convinced that no man had a right to pry, unasked, into the mysteries of another man's heart. In his own household he was very

[1] "Good Friday, March 29th, 1850.—The altar-piece, representing our Lord's Crucifixion, having been put into its proper situation yesterday, was seen (for the first time) by the prisoners to-day. It appeared to me that there was a more complete hush and solemnity pervading the chapel than usual, and in this opinion the governor and officers generally concur."—*Journal.*

A later entry is also worth reproducing:—

"19th April, 1852.—I visited S—— (an ignorant, excitable, and unusually depraved prisoner) again to-day, hoping to confirm his good resolutions. I told him, that, being obliged to leave home for a few days, I must obtain his promise of good conduct until my return. He said, 'Will there be no chapel, then, while you're away?' I told him that, the chapel service would still be performed, and asked him why he was anxious about it? Did he find the service, and especially the singing, soothing to him?' He said, 'No, it's not that, but I like to see that picture. Oh! it makes me fairly tremble when I look at it, and think of what *He* has done for us all.' Here, under Providence, another avenue to his better nature seemed opened to me. I trust that I may be enabled to avail myself of it for the poor fellow's temporal and eternal interests."

reserved on religious matters. He never inspected the spiritual condition of his own children; he rarely used the language of Scripture, and when he did, it was always with that pure good taste and unassumed reverence, which marked that the words with him were no mere figure of speech; he disliked the profuse employment of evangelical phraseology in others, and the mere clergyman's common-place never passed his own lips. To all that chose to ask his help, as a minister of religion, he promptly and eagerly devoted himself; but it was his firm belief that the help should always be spontaneously sought; he held that the minister's duty was strictly limited to the bold rebuke of evil actions and evil language—and in reproving these no man could be more out-spoken than he was—but the notion that it was his business too to analyse the "state of mind" of his spiritual patients, and ascertain whether their feelings were "satisfactory," he repudiated utterly. Painfully he would watch for symptoms on which to base an opinion, but these symptoms must be spontaneous and natural, not elicited by test questions, or by a compulsory exposure of emotions, real or imaginary.[1]

[1] The following extracts from his Journal will illustrate his tact and honourable delicacy:—

"13th Aug. 1851.—T—— appeared on his first committal to be a man of very superior acquirements—comparatively—but to be evidently an unbeliever in regard to religion. In cases like this, I have always refrained from attempts to convert by beginning, at once, a course of argument or discussion, being convinced that the workings *within* the man, during his long continued solitude, aided by his regular attendance on the 'means of grace,' and the perusal of books which, though suited to his state, are rather placed in his way than pressed upon him—will assuredly, in time, prepare his mind for the reception of the truth. This process of preparation is evidently going on with T——. I still content myself with *watching* his progress, and *incidentally* assisting it as occasion may serve. By doing more, I might provoke the evil spirit into resistance, and lose some of the ground already gained. . ."

"21st Nov. 1853.—An Irish boy of fourteen—under summary conviction—came to me to-day to express a wish to '*turn* to the Church of England!' The poor lad could give no sufficient reason for his proposal; he did not, in fact, know any essential difference between the Romish and English Churches. I need scarcely say that I declined the opportunity of making a 'convert.'"

Entries like this are common; here is another:—

". . . . A man named G—— expressed a wish to conform to the Church of England—leaving the Roman Catholic persuasion. I recommended to him—as I usually do in such cases—that he should wait until he was at liberty before taking any decided steps. This man is an *English* Romanist, and furnishes almost the first instance of an English Romanist making such overtures as he has done."

Trusting to the power of the chapel service to generate better feelings, and to induce their utterance, he entirely refrained from all spiritual probings. He never tried to enforce his ministerial jurisdiction on the prisoner in his cell; he would enter into friendly conversation with him, endeavour to put him at his ease, give him a full and fair opportunity of speaking if he had anything on his mind, but still, if the subject of religion was not broached voluntarily, he would pass on without introducing it. But where tears, or mental uneasiness, or the desire to relieve the conscience by speaking, was manifest, he would stay at once to offer help and sympathy, and to encourage the outpourings of confession. These outbursts of confession were very frequent. As soon as the new system was introduced into the Gaol, he began to spend from five to six hours daily there, the greater part of which time was devoted to ministrations in the cells. It was all the time he could give, and it was not enough to satisfy him.[1] The confidence of no small number of the prisoners was lavished on him most freely. His sympathies were so ready, and so real, that all reserve melted before them. Suspicious, reticent, and false as criminals generally are, there were always men in that Gaol yearning to make a clean breast of it to him. Of the nature of those cell confessions, he was, of course, in honour bound to say but little; such little, however, as he did reveal, was more than enough to show how sickening was the office of father-confessor to a prison. He has sometimes been known to come abruptly out of a cell, and hurry, sick and ill, to his own room, after hearing some revelation so loathsome as to forbid, or witnessing agony so intense as to defy, description.[2]

[1] "*Q.* You have no curate? *A.* No. I may venture to say, that if the separate system is carried more generally into effect, a prison calculated to hold 200 or 300 prisoners, will find work for two or three chaplains."—*Evidence before Lord Brougham's Committee.*

This remark of his was much found fault with; and the demand which he was supposed to make, was ridiculed as extravagant. However, his meaning was simply this, that in his own prison there was about three times as much work as he could get through.

[2] As he hardly ever alludes in his Journal to his own emotions, I cannot adduce from that source any illustrations much to the point. The two following extracts, however, may be given:—

"11th Dec. 1848. I had allowed myself to consider J—— T—— a hopeless specimen of the depravity engendered by bad parentage, and natural predisposition to crime. I believe I have been wrong;

It will be seen from the extracts from his reports, appended to this chapter, that he considered the reformation of the offender the primary object of imprisonment. For many years before, and after, the introduction of the separate system, the best means of repressing crime had formed the subject of sharp controversy; indeed, the controversy is still briskly alive. Until about half a century ago, punishment was regarded as the surest and almost sole preventive. The murmurs of dissent from this doctrine were very faint, and the only question was, on what principle the punishment was to be applied. We have seen that till the time of Romilly, the policy, defended by Paley, of "sweeping into the net every crime, which, under any possible circumstance, may merit death," and "singling out a small proportion of each class" actually to undergo execution, was accepted as the most efficacious plan for checking criminality. Accordingly, gallows-acts were accumulated, and executions multiplied, till the people began to loath their sanguinary code, and to refuse that public support, without which no laws can long be administered. Crime became a profession that might be practised almost with impunity, and Parliament, at last awakened to the evil and the cause, swept away Paley's fallacy, and the bloody laws which had sprung from it. Beccaria's expedient, to deter by the certainty, and not by the severity of punishment,

and the interview I had with the boy to-day—which at times was overpowering to my own feelings—only shows me, once more, that no case whatever must be considered as precluding hope. The poor boy began the story of his sorrow and penitence by saying, in a voice choking with emotion, "Oh! sir, *my father is a drunkard!*"

"7th May, 1849.—A young man, named G—— L——, aged twenty—committed for disorderly conduct—supplies a terrible example of the misery consequent on the indulgence of infidel opinions in religion, combined with immoral conduct. To this young man the *cell*—as may be easily imagined—has been a fearful trial. The inevitable tendency of the memory and conscience to review the past when uninterrupted seclusion from all external excitement is allowed to operate—in this particular case produces effects which I could wish to be seen by all who have tampered with doubts on Revelation. L——'s mental agony is not to be described. He *now wishes* to believe, but cannot. The doubts which have acquired strength by his feeding and pampering them force themselves on his unwilling mind; and the conflict between *them* and his terrors of the punishment which may await him for encouraging them, it is, indeed, distressing if not *awful*—to witness. The unfortunate young man has thoughtlessly plunged into a sea of scepticism, and he is now completely out of his depth; his cries for assistance are unavailing, too, for it passes mere *human* efforts to deliver him from the '*deep waters which have gone over his soul*,' and which he has too long been recklessly braving."

(which, of course, rests on the same principle as Paley's, and is in fact merely a different method of application), was then accepted as the basis of legislation. Acts were passed, and reforms in the administration of justice effected, to diminish as far as possible the criminal's chance of impunity, to ensure his detection, conviction, and punishment.[1] Thirty years ago, it was the almost universal belief that the nearer a deterrent system approached infallibility in operation, the more, that is, it increased the odds against the offender in his perilous game with the law, the more completely crime would be prevented. Some advocates of this doctrine went so far as to affirm that statute crimes would altogether disappear, if punishment were the inevitable consequence of their commission. The truth had yet to be acknowledged that punishment was only one of many means of prevention.

Colonel Davies' Committee, while examining a witness, incidentally let slip the opinion, that there were "two modes of preventing crime"; one by reforming prisoners, the other, "by deterring bad characters from the commission of crime." For this they were smartly attacked. "We cannot admit," wrote Archbishop Whately, "that the reformation of the convict is an essential part of the punishment: it may be joined incidentally, but cannot necessarily belong to a penal system." Mr. Clay was one of the few who had already begun to maintain, that reformation is a more essential element than even punishment itself in any system for the prevention of crime. At a very early period of his experience he became thoroughly convinced that the deterrent power of penalties, however severe

[1] It is true that Paley says, at the end of his chapter on Crime, that "the certainty of punishment is of more consequence than the severity;" but as this proposition was tacked on to a theory which, carried into practice, inevitably secured the uncertainty of punishment, it is not worth much from him. The truth is, that Paley was on the one hand retained to defend the existing criminal jurisprudence, while, on the other hand, his judgment assented to the Beccarian philosophy, which accordingly he freely plagiarized. Consequently, the whole chapter is incoherent and illogical, tending throughout to a *reductio ad absurdum*. The concluding paragraph, in which he exhorts the man who is about to be unjustly hung, to console himself with the reflection that he died for his country, is perhaps the funniest argument that ever a professional optimist ever used. (There is a good criticism on Paley's chapter on Crime and Punishment in Mr. Dixon's "Life of Howard," chap. viii.)

and however certain, was very limited. And what was more, he saw that this power was continually wearing out and requiring renovation. The *deterableness* (to coin a barbarous word) of criminals is a fixed quantity, which cannot be permanently increased beyond a certain limit. The invention of a new sharp punishment will cause a temporary rise of alarm in "the dangerous class," but presently it will subside again to the usual level, and then another punishment, sharper still, will be required, which in turn will likewise fail; and so on till, as was the case forty years ago, the legislator reaches the ultimatum of death for almost every offence. Of course the great aim of criminal jurisprudence should be to create the *maximum* of apprehension with the *minimum* of punishment: all punishment beyond that *minimum* is simply useless cruelty. Yet it seems so obvious a truism that to increase the penalty is to increase the fear, that probably only a small minority will ever believe the contrary on this side the millenium.[1]

The influence of a deterrent policy is the greatest on professional criminals, into whose calculations the prospect of a penalty does certainly enter. Yet in them the gambling spirit is so strong, that they will risk life and liberty on the smallest chance of impunity. Mr. Clay believed that the attempt to reform even these was more politic, more likely to attain the desired end,—though either task was almost as hopeless as the charming of deaf adders. But the great majority of prisoners were, to use his own phrase, "incidental offenders," men who broke the law on sudden impulse, generally under the influence of drink. These, to all intents and purposes, were irrational creatures, and therefore with them a preventive system, which involved an appeal to the reason, was all but impotent. Yet, on the other hand, these incipient criminals were the very men whom it was most possible to reform, and restore to liberty

[1] At all events, the truth is not much nearer acknowledgment now than it was a century ago, when Beccaria wrote thus (ch. xxvii.):—"In proportion as punishments become more cruel, the minds of men, as a fluid rises to the same height with that which surrounds it, grow hardened and insensible; and the force of the passions still continuing, in the space of a hundred years the *wheel* terrifies no more than formerly the prison."

thoroughly sobered.[1] "This alone proves," he said, "that mere deterrent agencies are inefficient—almost all crime springs from drunkenness, and nothing can deter a being so irrational as a drunkard." He saw, therefore, from the first, that the real problem was to devise some method of treatment which would combine both punishment and reformation. Separate confinement made the complete solution of this problem possible. It was terribly penal, yet, as a rule, its effect was not to exasperate or harden: it helped, instead of precluding, the meliorating influences of religion.

In his later years he pushed his favourite doctrines to the verge of a heresy in jurisprudence. He appears (for he never formally expounded his views) to wish that the criminal should be treated, not with reference to his offence, but his character. For instance, he would have measured the duration of imprisonment by the time required for the reformation of the prisoner; and he lived to see this particular item of his theory, in one respect, fully adopted:—the reformatory school, to which the child, for perhaps some most trifling offence, is sent for years, is entirely based on this principle. He would also have remitted the residue of a sentence, as soon as ever satisfactory proof had been given that the criminal could be safely entrusted with his liberty. One great merit of the separate system in his eyes was, that it was "self-adjusting"; that when it began to reform it almost ceased to punish; that the discipline, while terribly penal to the hardened sinner, left the penitent comparatively happy.

But it was on other grounds that he chiefly advocated reformatory methods with criminals. He was one of the first to preach

[1] The obvious objection suggests itself that these men do not need reforming. Lord Brougham's Committee pressed this difficulty on one of their witnesses, Mr. Frederick Hill; instancing the case of a man in advanced life, led by great temptation to forgery. "Still," said Mr. Hill, "his moral principles must be weak compared with those of other men." On which reply, Mr. Clay made this marginal note:—"After all, this case of the forger is, like the majority of our cases, an *incidental* case. The man has been living carelessly as to moral and religious restraint. Separation gives him the means of convincing himself that his moral laxity has produced positive crime; and he will now see the necessity of habitual religion. Our experience authorises this view, and shows also the difficulty of reclaiming the systematic hardened thief."

the doctrine, common enough now, that the heartless selfishness of the upper classes, their disgraceful ignorance of, and indifference to, the brutal degradation in which they suffer the poor to lie, is the primary cause of almost all the crime in the country. If, therefore, for their own safety, the respectable ruling classes were forced to inflict punishment on the poor wretch—criminal, only because he was ignorant and neglected—it seemed to him nothing but mere justice that they should make what atonement they could by turning the unjust penalty into a blessing. Nothing filled him with more anger and disgust than to hear selfish cowardice crying for indiscriminate vengeance on all sorts and conditions of criminals, as if the comfort and ease of the vocal, self-asserting respectability, which rides paramount on the surface of society, was altogether to outweigh the rights, temporal and eternal, of the helpless inarticulate mass that lies below. In the course of the various controversies which were waged over the question, What are we to do with our criminals? he came in for no small share of rough abuse and ridicule. He rarely grew sore under such treatment, and never resented it, except when the argument of his opponents degenerated into sneers at the hope of reforming criminals, or outcries for blind punishment on all alike. These offences—one, or other, or commonly both — were committed in endless leading articles, reviews, pamphlets, &c. about a dozen years ago. Among the pamphlets, by far the most notable was Carlyle's "Model Prisons," published when the controversy on crime and punishment was in the liveliest stage.

Thomas Carlyle sat on a private Olympus at Chelsea, in those years, revolving many things, periodically fulminating. To him this spectre of philanthropism (vapoury spectre, rather!), puking and mawking, and, worse evil still, perorating on platforms to long-eared audiences, had been this long time offensive, nausea-stirring, intolerable. Which phantasmal philanthropism for some time past had been out hunting a new notion—prison-discipline, in fact; gentle treatment and benevolent flummeries, rather than eternal justice for the elect of scoundrelism, Beelzebub's body-guards. Such new notion, therefore, is to be swiftly scathed, promptly blasted, before it grows up into final

development. Wherefore he makes sudden visit to a benevolent-flummery prison—(yes, poor Feeblewit, only one visit, and that not a long one, for careful study of actual facts is unnecessary to heroic genii—vividest imaginings supply the defect)—makes sudden visit, I say, and with rapidest intelligence understands this question, in the lengths and breadths thereof—if it has any. And then come seethings and simmerings and volcanic upboilings, which presently overflow in cataract of Titanic rant—such cataracts being monthly about that time.

The upshot of Carlyle's lucubrations was, that all toil spent in "drilling devil's regiments of the line" was misspent, and worse than misspent. He would have "all spiritual and material artificers spend their industries" on the "seven and twenty millions of neglected mortals who have not yet quite declared for the devil"; but as for the scum of "diabolic canaille," we were to "sweep that into the cesspool, tumble that over London Bridge, in a very brief manner, if needful." A simple solution of the problem certainly—though not by any means a new one—but made simple by wholly omitting one portion of the question—namely, how this diabolic canaille became possessed by diabolism; how this putrescent devildom ever grew up in the midst of a pharasaic Christendom. Preparatory to tumbling our felonry over London Bridge, might it not be just to ask how their felonious tendencies came to pass? Whether they were entirely their own fault, or the fault of some party or parties not altogether unknown: to wit, the fault of that "large body of the intelligent and influential, busied mainly in personal affairs, which accepts the social iniquities, and the miseries consequent thereupon; accepts them, admits them to be extremely miserable, pronounces them entirely inevitable, incurable except by heaven; and eats its pudding with as little thought of them as possible." If, on considering this question, we are driven to the conclusion, that if these "not very noble citizens" had done their duty, this frightful scoundrelism might not have been, or, at any rate, might not have been so frightful—if plainly we are driven to this conclusion, shall we not have some eternal justice to spare for them too? If sousing in a cesspool is to be the panacea for delinquency, shall we not souse the not very

noble pudding-eating citizens as well as the criminals they have begotten? At any rate, as it lies not in our power to inflict such sousing, we will feel a grim satisfaction in making them pay their rates and taxes, in making them forego some of their adorable guineas, and eat rather less pudding, in order to build and maintain model prisons. In fine, Carlyle's eternal justice is not so impartially just as it professes to be: when we clear away all the donner-und-blitzen eloquence that corruscates around it, we presently perceive that, though a vast improvement in principle, yet in practice it would be nothing but a resuscitation of the gibbet-justice patronized up to a recent date by "old hide-bound Toryism." Upon the whole, however, it is to be hoped that the said gibbet-justice is, at last, finally and thoroughly defunct—so thoroughly, as not by any possibility to be galvanized into life again by a reckless and (in this matter) rather ignorant Titan.

Mr. Clay was bitterly disgusted at the appearance of such a pamphlet from so great a man, and at the plaudits with which it was hailed in certain quarters. His first thought was to attempt a formal answer, but diffident of his ability, and thoroughly aware that his own smooth style was no match for the volcanic energy of Carlyle's literary substitute for swearing, he speedily abandoned the design. In his report, however, for the same year (1850), he devoted two pages to a reply, which was in reality convincing. Side by side with one of the most lurid passages from the obnoxious pamphlet, he printed two affecting histories, to illustrate the manner in which unfortunate boys are often forced into their first crimes. "It is wonderful," he added, "how a genius comprehends, in a moment, the whole of a subject—its entire length and breadth, depth and height—which has perplexed for a century a succession of mere watchful inquirers! And equally instructive to hear the oracle, '*afflatus numine*,' 'well up' in the maxims and procedure of the gods, in characteristic words, describe the patients and prescribe their treatment. . . . . (But) I submit that the process of *correction* for faults traceable to such causes as are laid open in these short histories, and in hundreds of similar ones which have been made known to me, does not so much require severity and punishment,

as the application of means to arouse into conscious existence the hitherto dormant qualities proper to humanity. I do not stop to inquire whose fault it is, that such means, in the cases now under discussion, have not hitherto been applied, but to ask whether, as it may not yet be too late, they should be applied *now?* Are the children of neglect always to think that no one cares for them? Is the wretched creature who has met with little else than blows and imprecations, ever to be permitted to know that the human voice can speak in kindness as well as in curses? that the human hand can encourage as well as strike? that if 'a collar round his neck, and a cart-whip flourished over his back, were what the gods would have appointed him'—those gods were *false*, and their reign is over?"

Whether his sympathy was too profuse, and his benevolence too indiscriminate, it is for the reader to judge: in making extracts from his writings for publication in this volume, the simple object, of course, has been to select such as would truly set forth his opinions, whether sound or not. That the "criminal question," like every other social question, has been abundantly diluted with watery sentimentality, is beyond denial. And it is beyond denial too, that if he erred at all, he erred on the side of too ready mercy. Nevertheless with sentimentality he was not chargeable. It is the nature of sentimentality to be loquacious, and that he never was. On the contrary, he constantly shunned all speech-makings, petty parliaments, and enthusiastic platforms. He was too busy, too painfully at work, to have time to spare on what William Wilberforce (slightly oblivious of his own tendencies) called "chatteration." Moreover, his urgent plea for pity was offered solely for those whose criminality was "not their own fault." He was angrily intolerant of the vices of the wealthy and the educated. If by chance an offender of that class found his way into the prison, and foolish friends came begging that he might be treated with "indulgence and consideration," he would emphatically protest against the culpable easiness with which the justices would sometimes yield to the petition. In trying to recall what were his real capacities for righteous indignation, two scenes, at which he was present, especially come back to this editor's recollection. In the one, a

clever smooth-tongued prisoner, in the midst of an easy oozing of oleaginous hypocrisy, is frightened into instant dumbness by a sudden outflash of fierce contemptuous rebuke: in the other, a second scoundrel, not in the prison, but received in good society, coming up with cheery greeting and fat open palm, unconscious that Mr. Clay knew him to be fresh from a recent act of villany, stops short with a gasp in the middle of the first sentence—an ejaculation of sibilant scorn from his "friend" (who was white and trembling with anger) having rendered the latter half of the salutation inappropriate to the occasion.

His main objection to Carlyle's short and easy method was (as we have seen), that he tumbled the convict into Thames' sludge without stopping to enquire, whether he was the only or the chief culprit. But in spite of this and a yet greater flaw, Carlyle's principle, though it leads to wholesale executions, seems to be, at least, as near the right as certain other principles on which gibbet-justice, treadwheel and cowskin-justice, has been defended. To the man for whom he is knotting up a noose, Carlyle thus propounds his doctrine:—"Caitiff, we hate thee, and discern for some six thousand years now, that we are called upon by the whole universe to do it. Not with a diabolic, but with a divine hatred. God Himself, we have always understood, 'hates sin' with a most authentic, celestial, and eternal hatred. . . . [And, therefore, we] will in the name of God, not with joy and exultation, but with sorrow stern as thy own, hang thee on Wednesday next, and so end." "Other grounds," he adds, "on which to deliberately hang a disarmed fellow-man, I can see none": the caitiff, in fact, having been allowed to speak, had already demonstrated the same thing with some degree of cogency. Now to Carlyle's logic, among other feebler, there is of course this intensely valid objection, that there is a Divine Love to be imitated, as well as a Divine Justice. Be it noted, however, that his doctrine is not selfish. But if you punish the culprit "for an example to deter others," or "to protect society and its purse and skin," this is not justice; it is, at the best, justifiable selfishness. There are only two principles on which a man can claim the right to inflict punishment on his fellow, either on the high principle that he is God's vice-gerent, bound

to administer God's laws to the best of his power; or on the low principle, that he is allowed to act in his own self-defence. The latter is the one generally accepted. Paley, Bentham, Whately,[1] and the legal philosophers generally, have held that prevention of crime (which on being analysed is nothing more than "the protection of society") is the end of punishment: and it is entirely, or almost entirely, on this ground that the State inflicts penalties. It takes no cognizance of crime till obliged to protect the "purse and skin of society." This is a matter which requires more notice than it has yet received. It makes an essential difference whether you are exercising an eternal Divine right, or a rather ignoble human right: whether you act as the minister of Heaven, or merely as the defender of your own person and plate-chest. If you really proceed in the name of a Celestial Avenger, then something may be said in favour of gibbet-justice and sundry approximations thereto. But if an anxious care for your own hide and silver spoons is at the bottom of your penal system, the question is altered. You have not a much better right to flog, imprison, or finally hang your felonious fellow-creature, *by way of preventive*, than he has to pick your pocket or cut your throat in the first instance. It may be *justifiable* to do so, but that falls immeasurably short of being *just*. Clearly understand, once for all, that if you visit the offender, not merely

[1] Moral Philosophy, vi. ch. 9. Théorie des Peines, I. ch. 3. Letters to Earl Grey *passim*. Beccaria's theory of the mutual compact between the members of a society comes to precisely the same thing. Each individual surrenders a portion of his liberty, and puts it into the public stock. The aggregate of these fragments of individual liberties constitutes the sovereign power. The executive sovereignty restrains the encroachments of individuals and protects each in the possession of his residuary liberty,—that is to say, enforces justice. Accordingly, Beccaria defines justice as "the bond which is necessary to keep the interests of individuals united." From which definition, we may notice, that the idea of God is clean eliminated: in fact, he confesses as much. "I do not, by any means, speak of the justice of God, which is of another kind, and refers immediately to rewards and punishments in a life to come." The creed of the Italian jurists is a common one. On the whole, we do not believe that this is God's world; we are inclined to think that God's justice is idle now, being laid up in store for the judgment-day. Meanwhile, we are putting up with a make-shift justice, a bond of interest, a compact of selfishness: and in consequence thereof we are constantly guilty of manifold and damnable *in*justice. For re-teaching the contrary truth—that this *is* God's world, that God's justice works eternally, works *now* in this bewildered universe; and that man's justice (if we are to escape unheard-of calamities), must be fashioned in the image of God's,—for reviving this almost-forgotten Gospel let us return humble thanks to the prophet Carlyle. But see the next Chapter.

with a just measure of pain, as the righteous penalty for a past sin, but with an extra-just measure to prevent him or others harming you for the future, you have palpably passed the strict limits of justice and become yourself the offender. If, then, you proceed on this ground, there is a certain truth for you to remember,—namely, that as to preserve your own rights you trespass on his, you are bound to make him what atonement you can. He is as fully entitled to have his interests consulted, as you yours.

In which crude reasonings, if there is any flavour of truth, it follows that a merely deterrent system, which gives no place to reformation (the only atonement possible), is accursedly selfish and unjust. Instead, therefore, of being very philanthropic and benevolent, in trying to regenerate the culprit whom we punish, we are simply performing an act of justice. So far from humanely admitting that "the reformation of the convict is not an essential part of punishment, that it may be incidentally joined, but cannot necessarily belong to a penal system," we will speedily confess that any system which does not involve an attempt to reform, is fundamentally unrighteous. And, therefore, in the eternal order of things, we may expect to see God's curse lying on such a system, and presently becoming manifest in an increase of the evil we attempted to crush, and in the upgrowth of other evils besides.

The advocates of reformatory treatment, however, have generally been content to rest their case on historical facts, which in truth form a very sufficient basis. That experience has proved a purely deterrent system to be both impossible and inefficient, is beyond all denial: impossible, because when it grows barbarous, as inevitably it must, public opinion demands an immediate mitigation; and inefficient, because when strained beyond a certain soon-reached limit, it ceases to repress, and begins to provoke crime. The opinion of the British public upon this, as upon other matters, "depends upon circumstances." In the panic of an Indian mutiny we yelp for Hindoo blood, and when the danger is over, we subside into our usual patronage of Exeter Hall and the missionaries. In like manner, if there is a real or apparent increase of crime, if ticket-of-leave men are, or

are supposed to be, unusually active, then there is an outcry against "imbecile benevolence," "simpleton chaplains," and the like. But if we are taken at our word, and justices begin to crack their whips, famish their felons on bread and water, and lock them up in dark cells, no sooner do the results appear, suicides, insanities, &c. than we raise a counter hubbub against penal barbarities. Of this a notable illustration will be given presently.[1]

If the volley of vituperation, of which the explosion at Chelsea formed the culminating crash, had been discharged against the new penal theories five years before, the adoption of the separate system would probably have been retarded for a quarter of a century. It was not without great difficulty that the advocates of the system won for it the goodwill of the country. At first there was bitter prejudice against "solitary imprisonment" (a phrase which the public refused to abandon); and the press, after a transient gleam of patronage, veered round into vehement opposition. That Mr. Clay and the Preston Gaol exercised great influence in removing the prejudice, and mollifying the opposition, is beyond question. The three popular objections against *encellulement*[2] were, that it was extravagantly expensive, that it was injurious to the bodily and mental health of the prisoners, and that after all it was unable to reform. The Preston Gaol was the first example of a prison on the separate system against which none of these charges could be brought.

English philanthropy has always been prone to spend itself in brick and mortar. Howard found it much easier to persuade magistrates to erect ornamental prisons, than to introduce humanity and religion into their management. The building propensity re-appeared twenty years ago, along with the separate system, the progress of which was seriously hindered by the architectural eccentricities of scatter-cash justices. More money was lavished on the adornment of the Pentonville Prison than was necessary, and some very superfluous comforts (warm-water taps, for instance) were provided in the cells; though, on the other hand, the plans were prepared with so much foresight and

[1] In the following chapter, when the history of prisons has been brought to a lower stage, the principles of punishment can be discussed with greater advantage.

[2] The equivalent English word is not yet coined.

minute care, that very little money was wasted in blunders. Reading Gaol was built in "the Tudor or castellated Gothic style," and "with the castellated it combines a collegiate appearance"; the great Wakefield Prison possesses a "truly palatial character"; in fine, almost every modern prison is more or less an "ornament to its town or county," and a grievance to the ratepayers. At Pentonville the cells cost 160*l.* a-piece; at Reading, 200*l.*: 150*l.* was at first the average outlay.[1] The Lancashire magistrates eschewed all superfluous indulgence in prison-architecture. They built (as we have seen) one corridor of seventy-two cells, and not till the value of these had been demonstrated by four years' experience did they venture to erect another. Proceeding on the obviously sensible plan of making the most of their existing buildings, they obtained new cells at the expense of 70*l.* for each.[2] Thus, while the convict at Pentonville or Reading costs 8*l.* or 10*l.* a year in rent, at Preston he is housed for 3*l.* 10*s.* Unfortunately, however, the bench carried economy too far. In spite of the urgent remonstrances of Mr. Clay and the wiser minority, who demonstrated by unanswerable arithmetic that in one single item, the decrease in prosecutions, the county had fully saved the outlay on the corridors already built, the stubborn majority, with costly parsimony, resisted all proposals to add a third. In the spring of 1852 the motion was actually carried at one sessions, but rescinded at another; and in the summer of that year Mr. Clay had the mortification of being obliged to confess to a parliamentary committee that, "though he had done all he possibly could to induce the magis-

[1] These figures are obtained by dividing the total cost of the prison by the number of the cells. It was the unnecessary and injurious appendages—the warm-water taps in the cells, the boxes in the chapels, the separate airing yards, that swelled the expenditure so much—at least some 15 or 20 per cent. One single chapel box cost 2*l.*; a set of walled airing yards for twenty men 1,000*l.* The prisons, however, built under the Gaol Act were quite as expensive, and even more so. Sir J. Jebb calculated that the accommodation for one prisoner in these prisons cost on the average 300*l.* The Yorkshire justices squandered such incredible sums on the castle at York, that it was reckoned that 1,200*l.* must have been expended on each cell.

[2] The new cells at Durham Gaol were fully as cheap as those at Preston; some, indeed, were cheaper, for they were built on a smaller scale, for the use of prisoners committed for three months or under. Prisoners for short terms do not require full-sized cells. The separate system at Durham proved most successful, thanks chiefly to the chaplain, Mr. Hamilton.

trate to establish the separate system throughout the whole of the prison, yet they were still obliged to put up with an inferior system in part." To this day, therefore, there are only 168 of the new-fashioned cells at Preston; the remainder, 150 in number, were most of them built in Howard's time, and are too small and dark for use otherwise than as sleeping cells.

The prisoners, who occupied these cells at night, were employed during the day in a work-room conducted on the silent system. But it was not the compulsory resort to the dumb discipline which chiefly annoyed Mr. Clay, for he was willing to retain it in partial use. "If I had the *carte blanche* of an original prison," he said to the Prison Discipline Committee that sat in 1850, "I should certainly like it to be so built that I could avail myself of the silent system, with a few who might appear to me unfit for the separate." There were always some few prisoners to whom the lonely cell was insupportable, who yet could often find the necessary relief for their feelings even in the mute work-room. The work-room was useful, too, in the case of vagrants and petty offenders committed for two or three weeks. These short imprisonments, it is true, were generally useless, and often pernicious: to destroy the last remnant of self-respect, and dissipate all wholesome dread of a Gaol, was the common effect on a tyro in delinquency. It takes time, of course, to cure bad habits—especially habits of drinking: yet it is in the case of disorderly drunkards that these penitential fortnights were commonly prescribed. "Why, a fortnight's no use," said a critical prisoner once to Mr. Clay; "it takes four or five weeks after a drinking *bout* to get one's eyes *gradely* opened." In Mr. Clay's estimation, all punishments which gave no chance of reformation were, as a rule, little better than absurd; but as long as justices chose to inflict them, he was willing to retain the work-room. The discipline there was far more penal than the cell; and as moral or industrial training was out of the question, a sharp effort to deter was the only thing possible. The dumb discipline, it must be observed, was more efficaciously administered at Preston than in any other prison in England. "This *is* the silent system, and I never saw it before," said the governor of Wakefield Gaol, once the most famous prison on that system

in the country, after seeing the mute motionless prisoners in their work-room at Preston. "The silent system," says Mr. Clay, in one of his reports, "is applied to a number of prisoners, varying from forty to eighty, all of whom are under summary conviction. They are seated upon forms, are about nine feet apart from each other, all facing the direction of the officer's raised desk, and all employed in picking cotton, except a few who are undergoing the punishment of compulsory idleness. At meals the same order is observed. Throughout the discipline it is not merely that the silence of the tongue is observed—but the eye and the hand are mute. No sign, no look—whether of recognition to a fellow-prisoner or of curiosity towards a visitor—is permitted, nor is it often attempted. To some persons all this may seem unnecessarily severe. I am fully satisfied that it is otherwise: for the *tendency* to irregularity being so watchfully obviated, the *commission* of it is rare; and a prisoner is saved from much punishment, which a laxer discipline might tempt him to incur. In 1839, under the old discipline, 106 prison offences were punished by solitary confinement for three days; in 1845, only five offences required such a punishment." Large as was the number of prisoners under the control of a single officer (there were others, of course, within call), no outbreak ever occurred. A prisoner, recently committed, and not yet quite sober, once started up with an indignant exhortation, "Britons never should be slaves," &c. &c. A quiet smile on the faces of some of the old gaol-birds was the only result: not a single head was turned while the recalcitrant Briton was removed from the room.

It was not, therefore, the necessity for using the silent system (which, as enforced at Preston, was not devoid of merit) that caused Mr. Clay so much pain: though to see men condemned to the work-room, for whom the cell would have been far more beneficial, was a constant source of regret. The bitter annoyance was, that as the number of the prisoners exceeded the number of the cells, some sixty or seventy had to be locked up each night, three together. The magistrates of Lancashire did good service by being the first to demonstrate that the separate system, without architectural extravagance, is sufficiently cheap: but

by subsequent niggardliness they effectually marred their own credit.[1]

It was not only by the magnificence of their palace-prisons that justices contrived to incur both prejudice and ridicule for the separate system, but also by wasteful absurdities in their maintenance. The "brawling judgments," however, of the ignorant public were no less absurd. Hearing that felons were fed with "meat without bones," "good soup," "sound bread," "abundant potatoes," &c. able editors contrasted their bill of fare with that of agricultural labourers, and in their ignorance and infallibility decided accordingly. Yet that prisoners are liable to sicken and die unless well fed, has been a registered fact for more than a century. "I am sensible," wrote Howard, eighty years ago, "that persons confined, whose minds are depressed, need more nourishment than such as are at liberty." It has been abundantly proved, too, that the more stringent the discipline the more support the prisoner will require to endure it. A liberal dietary is as necessary in a hard-labour, or in a silent, as in a separate system. When this system was first established, a series of experiments were made to ascertain the minimum of food which a convict would require under the treatment. The scale of diet then settled has since been carefully rectified, and is now adopted in most cellular prisons. Among other facts ascertained was this, that the longer the sentence the more generous must be the diet. A vagrant can stand a fortnight on bread and water, but the burglar, to last his twelvemonth, must have some small allowance of meat. Nevertheless, the able editors long ignored this circumstance, and persisted in being witty about the belly-bribes with which beggars were tempted to felony. It was also long thought an anomaly by the newspapers that prisoners (unlike peasants) should require the services of chaplains and schoolmasters, governors, and warders, and that these in their turn should require salaries. But while the public was unreasonable, justices were sometimes imprudent.

[1] It must be noted, however, that the three-in-a-cell nuisance no longer exists. At the time referred to in the text, fifty of the new cells were let, under contract, to the Home Office for the use of Government convicts. The contract ended a few years ago; and the *sleeping* cells are now sufficiently numerous.

In many counties, enamoured of their new philanthropic hobby, and forgetful that the rate-paying public would bitterly grudge the money spent upon prisons, they gave their felons a munificent establishment. This evil is now partly corrected, but not altogether. There are still prisons where the justices contrive to spend 50*l.* or 60*l.* a-year on each prisoner. There has been occasional laxity and want of thrift at Preston Gaol, but for the most part the Lancashire magistrates have there set a wholesome example of economy. The annual cost of a prisoner at Preston, *everything* but his rent included, was betwixt 14*l.* and 15*l.*: nor did all this come out of the ratepayers' pockets.[1]

The experiment at Preston therefore proved—and what was more, was the first to prove—that extravagance was an unnecessary excrescence of the separate system. The value of the experiment was still greater, in demonstrating that *encellulement* could be enforced, in every essential respect, without danger of engendering disease or insanity. Under the mitigated discipline of Preston Gaol, it was not uncommon even for the fleshy navvy to retain his full weight and much even of his fresh colour; while the dissipated sickly mechanic generally improved in health. The visitors who were struck with the listless languid look of the studious convicts at Reading, or with the white pasty faces of the Pentonville prisoners, carried away exaggerated ideas of the deleterious effects of the discipline: for, in fact, the sickness and mortality in these prisons was never excessive. Much of the sickness that did at first occur in both was afterwards traced to defective ventilation, and the unwary introduction of unhealthy trades. When these causes were removed it decreased,—decreased below the average amount in the classes from which prisoners are mostly taken. Yet it presently oozed out that *strict* separate confinement had a tendency to produce stiffening of the joints, scrofula, and consump-

[1] "As an instance of this [*i.e.* disparity in expenditure], I may cite the two Borough Prisons of Barnstaple and Poole, which receive almost exactly the same number of prisoners, while in the former the average annual cost of maintenance of a prisoner is 18*l.* 3*s.* 4*d.*, and in the latter 59*l.* 0*s.* 7*d.*"—*Inspectors' 23d Report* (1858)—*Southern District.* When Mr. F. Hill was Inspector for Scotland, the average annual cost of a prisoner was 16*l.*: in some prisons it was only 10*l.* It is very much higher now. According to the last report, the net outlay for each prisoner at Preston, for the year, was 12*l.* 15*s.* 4*d.*

tion. In some degree, however, imprisonment of any kind will have the same effect. Yet the criminal, almost always a reckless profligate, compelled to exchange his riotous living for regular habits and wholesome food, is more likely to gain than to lose health in a well-ordered prison. But after all the care taken of health, to "rot in prison" was still possible in the early days of the separate system. For in the solitary cell, unless the isolation was greatly mitigated, the *mind* rotted, the energies grew feeble and flabby. And then worse evils presently followed. In every prison where the system was rigorously enforced, idiotcy, insanity, and suicide were among the first-fruits. Of course each case, as it occurred, was "accounted for," but the public very rightly refused to be satisfied. At one period, in particular, the nation said, very emphatically, "Clearly prove that your system does not tend to madness, or we will presently make an end of it." It was by no means without effect that Mr. Clay was then able to say,—Suicide and madness are unknown in our Gaol.[1]

But after all, the most important question for the nation, wavering over the adoption of the new system, was—Will it really reform any fair proportion of the prisoners? The promptness with which Mr. Clay was able to answer the question in the affirmative with regard to Preston Gaol, and the "hard naked statistics," with which he demonstrated the truth of his answer, did more, probably, than anything else to win the favour of the public.[2] The system did not prove by any means infallibly reformatory. The prisoners discharged from the great Penitentiary at Perth, at one time relapsed into crime at the rate of 67 per cent. At Bath Gaol the chaplain, in despondency, fell back on the old adage, "once in prison always in prison." Else-

[1] Later, however, one case of suicide occurred, which the reader will find noticed below, and—*accounted for*; whether satisfactorily, or not, it is for him to judge. It must be remembered that any imprisonment, whether solitary or otherwise, is apt to have a bad effect on the mind. During the earlier part of Mr. Clay's chaplaincy, under the old lax no-discipline, cases of insanity and attempted suicide were more frequent than afterwards.

[2] These statistics were given year after year with great minuteness in his reports. Of course no object would be gained by reproducing them in this volume, and therefore I have only retained one or two summaries of the evidence, which occur in letters written at different periods.

where the failure was equally signal. In other prisons, however, the success was no less manifest. Still this success was not obtained till a later period, when the public verdict had already been given in favour of the system. At the critical juncture the fate of the theory hung almost entirely on the issue of the experiments at Preston, Reading, and Pentonville.

In spite of the serious errors committed in the two latter prisons, that much good was worked in them will not now be questioned, vehemently as it was once denied. At any rate the discipline cleared the way for religious ministrations, and therefore it would have been strange if men so earnest and able as Messrs. Field, Kingsmill, and their coadjutors, however much hampered by systems, had not reaped *some* harvest. But whether that harvest was commensurate with the enormous expense of raising it, was at least dubious: its reality, too, rested on proofs too flimsy to satisfy the public. The Berkshire justices could show a prison where the quiet and order were rarely ruffled by insubordination; they could tell how many chapters such or such a felon had learnt by heart; they could boast of many who had received a good education at the expense of the rate-payers, and of a few whom they had turned out good mathematicians: they had reason to believe (the statistics on which the belief was based were not very convincing) that crime had diminished in the county; they could show some decrease (5 per cent.) in the recommittals, and, what was worth more than all the rest of their apology, they could point to divers cases of discharged prisoners leading honest lives. People took all this at rather less than the real value, refused to Reading Gaol the credit fairly due, and remained unconvinced. Statistical critics demonstrated that cheaper prisons, on less pretentious systems, were at least as fruitful in reformations; while irreverent critics grew witty over certain alleged cases of felons who, grieved at the termination of their penal studies when they had only "got as far as the Ephesians," came back (for sheep-stealing) to learn the rest of the Testament.

The proofs of success at Pentonville,—where the materials to work upon were unusually good (for none but first-convicted felons were sent there), and the inducements to amend were very

strong—were more, but still not fully, satisfactory. Great stress was laid on the circumstance that almost all the prisoners, when classed for removal, were placed in the first class; that is, among those who were to be exported as compulsory emigrants, under the name of "exiles," (the reason for the name will presently be seen) and set free on landing in the colony. But this proved nothing more than that they had behaved well under confinement, a matter of very slight importance, as "the greatest rogue always makes the best prisoner." The chaplains and commissioners seem to have been diffident of their own judgment, for they took a curious means of correcting their decisions. It was soon found necessary to indulge the convicts in occasional association for a few weeks before removal, to remedy the deadening effects of eighteen months' isolation, and to revive their social faculties: without this preparatory enlivenment the men fell into helplessness, not to say semi-idiotcy, when first thrown into company. During this period they were encouraged to make "confidential communications" concerning each other's state of mind; and generally these communications were very favourable: but perhaps it was only natural that a felon's estimate of a fellow-felon should be rather rose-coloured. Fortunately, there was better evidence to fall back upon,—the reports, namely, of the surgeon-superintendents sent out in charge of the exiles, and the accounts which came from the colonies. The colonial standard of rectitude was not high, however; the squatters, who were in urgent need of labourers, were easily pleased; and the exiles were undoubtedly of a better quality than the transports they had been accustomed to receive. Besides, in Australia Felix, honest industry was so easy and profitable, that probably half the felonry in England, if transplanted thither, would have abandoned crime as a bad speculation. The officers of the transport ships were under the temptation to report according to their own, and their employers' wishes. The discipline, too, on board was smart, and the men imagined (erroneously, but most conveniently) that they would forfeit their pardons by misconduct during the passage: and, after all, the officers in charge were not always unanimously eulogistic about the exiles,—a few were unable to do more than "damn with faint praise." On the

whole, though the success was probably much greater than the able editors chose to acknowledge, the efficacy of Pentonville to cure a large proportion of its moral patients was proved with a cogency very far short of mathematical.[1]

The evidence which Mr. Clay adduced was very much stronger. He saw from the first that if ever the public was to accept the new penal doctrines, some very tangible proof of their soundness must be given. For a time, like many others, he attached undue importance to the tears shed, and the irrepressible emotion displayed in the solitary cell. But he soon became aware that this extreme sensibility was often morbid and unnatural, the symptom of disordered nerves rather than of a softened heart. The argument derived from the demeanour of the prisoners was only used till he could produce a better, for which he at once began to seek. The statistics of crime in North Lancashire for twenty years past, which (as already recorded) he had collected himself with great pains and care, and the like of which at that time probably existed nowhere else in England, now became extremely valuable. By their help he was able to prove, past denial, that even the seventy-two cells, after only a year's use of them, had given a check to crime far more effectual than any other measure adopted during those twenty years. While the deterring efficacy of the new discipline was demonstrated by a considerable falling off in first committals, the power to reform was proved by a decrease in recommittals, at the rate of 20 per cent. He was ready with his first instalment of statistics even before the new cells were occupied. It will be recollected that a rough make-shift for the separate system had been tried at Preston Gaol three years before the Model Prison was built. On the strength of this crude ex-

[1] I believe myself the best testimony in favour of Pentonville was that furnished by the letters (in number not a few) which Mr. Kingsmill received from his old parishioners. The genuine gratitude and the healthy tone of some of these prove that old bad habits must have been sometimes most completely shed in the cells of the Model Prison. But the letter-writing exiles were only a very small portion of the whole number. The reader will understand that *I* am not questioning the success of Pentonville and Reading, but merely pointing out that the proof adduced of their efficacy was insufficient. In the case of the former prison, of course, it was extremely difficult to procure better evidence than that I have described.

periment, and with the help of his statistical crime-gauge, then in the twentieth year of operation, Mr. Clay was able to vaticinate the probable issue of a thorough trial of mitigated solitude. He correctly anticipated the question which would be asked. In April, 1844, the *Times* (at that time hot against the separate system) pointed out that what the public wanted was "a general return of the persons re-committed in 1843 under the ordinary mode of imprisonment, in comparison with those who had been in solitary confinement." "The only return," continued the article, "which we have upon the subject, is from the House of Correction at Preston. It is certainly not very satisfactory for the partisans of the solitary system, although we have no doubt they will crow like chanticleer." The return referred to (which had been carefully distilled from eight years' statistical gatherings) was then given. The result which it indicated was certainly not very wonderful, being simply this,—that while one-fifth of the prisoners were re-committed under the old no-discipline, only one-sixth came back after passing through a very poor substitute for the separate system. Not a very important circumstance, it must be confessed, but valuable, at the time, as the first bit of genuine statistical fact adduced in England, in the midst of the vapoury hypotheses and vague inferences on which, as yet, the new system was built.

For reasons that it would be tedious to enumerate, he was soon convinced that the number of re-committals was not altogether a satisfactory test, and he therefore resorted to many other methods for gauging the efficacy of his prison-discipline. One criterion he at once saw would be worth all the rest—namely, to follow the prisoners in their subsequent careers, and ascertain what became of them. This was a difficult undertaking; indeed in many instances it was impossible: for criminals are, for the most part, a nomadic race, and their wanderings baffle pursuit. His plan was, to elicit from every discharged prisoner, who had passed his term in a separate cell, whither he meant to go: if he professed an intention of settling somewhere in Lancashire, after the lapse of six or eight months, he wrote two letters of inquiry concerning him, the one to the minister of the parish, the other to the police superintendent of the district. In their

replies the clergymen, as a rule, were sanguine, the policemen saturnine. (There is a natural antipathy between a policeman and a quondam prisoner). As a safeguard against exaggeration, he always adopted the unfavourable reply. Year after year the issue of the scrutiny was nearly the same; about half the men were reported as more or less reformed. Beginning in 1845, he published annually for some years a synopsis of the replies: no evidence of equal importance was ever adduced in favour of the separate system.

It was on the strength of such testimony that he asked the public to give their confidence to the mitigated separate system. He would never admit that the failure of some other prison, conducted on a similar plan, could outweigh his own success. "There must be a screw loose somewhere," was his invariable explanation of such a phenomenon. His own faith in the hallowed power of his prison-ministrations rested on something better than controversial statistics. He knew that he could not be deceived in the nature of the marvellous changes which he saw come over men in those lonely cells—changes so thorough, as even to influence the degraded body, and bring back some gleam of human beauty to the sin-scarred face. At some of these changes, at the sudden break-up of hearts that had seemed as hard as the nether millstone, he was at times utterly astonished himself, and almost incredulous; and then the thankfulness would well up to his lips in these old Bible words, "Surely the Lord is in this place." Such flashes of divinely-blessed success were at once the recompense of his weary work, and the sorely needed stimulus. He had no lack, however, of other encouragement: hardly a week passed without bringing a letter from some "old parishioner," uncouthly praying for a blessing on the head of him who had first shown the writer the *way of life*. Within two or three miles of his own house he knew of many a family, in which the unhappy wife had, under God, to thank him for transforming a profligate brute into a kind husband. "Have you ever had occasion," he was asked in a parliamentary committee room, after only three years of better discipline, "to see your prisoners after they were restored to society?" "Not in many instances," was the reply, "because I

cannot go beyond Preston very well. In Preston I have seen them: in twenty cases or more." "If a clergyman," he would sometimes say, "is willing to put all ambition and hope of advancement on one side, and make the salvation of souls the great end and aim of his ministry, he could choose no field for work so fruitful as a prison." It had been at one time his earnest wish that one of his sons should succeed him in his chaplaincy; and it was no slight disappointment to him when he found that this was not to be.

He was often ridiculed and censured for being over-sanguine and credulous. What has already been said is, in some measure, a refutation of the charge. It was not on his own authority, but on that of competent and (which made their testimony more valuable) prejudiced judges, that he demanded belief in the reformation of a large number of his prisoners. The utmost that he asserted of them was that they were "reformed"; that is, that they had abandoned previous criminal pursuits, and by steadiness to work, sobriety, honesty, and regular attendance at church or chapel on the Sunday, given the only proof they could give of having undergone a beneficial change of character. No lists of "converts" ever appeared in his reports; no man would have shrunk with more repugnance than he from the profanity of publishing spiritual statistics. He never violated the confidence of the cell confessional by retailing its "interesting incidents" or "touching anecdotes." Two or three accounts of bitter, painful repentance, struggled through in the prison, written or dictated by the penitents themselves, and entrusted to him with the express hope that "they'd p'raps do somebody else good to hear tell on," he did print, it is true: but this was somewhat at variance with his usual custom.

To the charge of being sanguine he would angrily plead guilty. "Sanguine!" was his usual reply, "why, of course, I am sanguine. I should have no business to be the chaplain of a Gaol if I wasn't sanguine; and I am sure of this, that a firm, obstinate, enthusiastic belief in the possibility of saving even the worst of the poor fellows committed to his charge, is a prison chaplain's most necessary qualification. I wonder what some of the knowing gentlemen, who criticise my simplicity, would make

of it, if they had to minister in this place. It would be barren work, I think, going from cell to cell to let the prisoner know how 'cute and wide awake you were yourself, and what hypocritical scoundrels you thought them. It is hard enough, I can tell you, working in such a place, hoping against hope; and our gratitude, therefore, is not very profound to the kind monitors who think us a pack of fools for our pains." This was a matter on which he could rarely speak with composure. Ridiculed in the newspapers, sneered at by sundry magistrates, and sometimes irritated by silly jokes in private society, it must be confessed that at last he grew sore under the annoyance which all this caused him.[1] But quite apart from personal considerations, this incredulity deeply grieved him. He regarded its prevalence as one of the worst indications of the real flimsiness of English Christianity. That educated people, who (on Sundays), according to regulation, conventionally believed in the catholic mercy of God and the power of Divine Grace, should, the moment they were asked to put their creed in practice, retail vapid jests and put their whole trust in "Punch" instead of the Bible—this, in his eyes, seemed to prove that the religion of the British public was very nominal indeed. That the respectable citizens who frequented comfortable churches were not an especially privileged class in the sight of heaven, that they had no exclusive vested rights in the catholic religion, was a doctrine which he held very firmly, and would occasionally announce very emphatically.

Whether his hopefulness ever really ran to weakness is a question on which this editor (a judge reverently partial) must offer no opinion. It seems strange, however, that a man confessedly practical and sagacious otherwise, and gifted with a keen insight into human nature, should, with the experience of half a lifetime to guide him, be purblind and childish on one subject.

[1] "Oct. 29, 1854. It is not encouraging to know that such want of confidence in prisoner's motives and in chaplain's judgment exists; but it would be still less encouraging were it a fact that this want of confidence is the result of any investigation or inquiry into the matter. On the contrary, the unfavourable opinions I allude to are held by persons who have never given a day's attention to the important subject on which they venture to form and propagate such an opinion."—*Journal.* This was written for the especial perusal of certain sceptical justices.

It will be seen by the various extracts given below, that his hopefulness was not by any means indiscriminate. It was for the "incidental offender," led into crime by ignorance, drink, or sudden impulse, that he was most sanguine. In common with all who are practically acquainted with criminals, he looked on the professional law-breaker and the besotted profligate as (humanly speaking) almost past redemption.[1] When the new discipline was fully established in the Gaol, with the help of John Catterall and his "operative friends," he succeeded in procuring employment for a large number of the discharged

[1] Never quite, however. "I have been taught repeatedly that I must not look on any case as hopeless. . . . I only require that a man or a boy should have an ordinary understanding and ordinary feelings, and I think there is abundant ground for hope. Of course, if his understanding is weak, and in some cases where there has been a long habitude to deliberate crime, it is comparatively hopeless; but I am quite satisfied that it is generally the reverse. I know cases of professional pickpockets, comparatively young, who may be reclaimed."—*Evidence before the Prison Discipline Committee*, 1850. Of the two, the professional and the profligate, he regarded the latter as much the more hopeless. "There yet remains a sordid residue — a few whose moral state is so completely disordered that neither penal nor reformatory treatment can effect a cure. These disgraceful and dangerous pests—not confined to one sex—are perpetually moving between the beer-shop, public-house, or other public curse, on the one hand, and the prison, on the other."—*Report*, 1846. In trying to gauge the reality of a prisoner's reformation by observing his demeanour, he relied upon symptoms rather different from what a less experienced person would have wished to see. A reserved man, who said very little, attracted him most: he generally distrusted fluidity either of words or tears. This extract from his Journal will serve as an illustration:—"S—— professes to have derived great benefit from his opportunities of self-examination. He is often moved to tears at our interviews;—but there is that about him which leads me to feel no confidence in his permanent reformation. He is too plausible, and gives me the idea of being accustomed to speak to prison-chaplains."—*Journal*, June 6, 1844. With his shrewd humour and quick judgment of character he was quite a match for the prison hypocrite. The following is characteristic:—"12th August, 1848. With so many cases to give encouragement to our efforts, there are always a few of an opposite character. The cell often is tenanted by one who assumes the thinnest cloak of hypocrisy, and who, in the old *yard*, would have been prominent among the insubordinate. W— P—, aged twenty-six, had been living for eighteen months *on his wife's earnings*, previous to his conviction for a robbery committed under the influence of drink. Since his conviction — not content with my regular visits—he has sent for me specially, four or five times a week, to tell me that he was "*getting on very well*," that he was "*living to the Lord*," that he "*prayed night and day*," &c. On some late occasions he has hinted to me that he is *rather in want of clothing*; and to-day—having sent for me again—he "made his full descent" by announcing that three nights together he had "dreamed that I made him a present of a very handsome Bible." I told him that I was no believer in dreams."

prisoners, of whose reformation he had good hopes.[1] His confidence was rarely disappointed. He would sometimes guarantee the good conduct of a liberate to overcome the caution of an employer; and he was hardly ever a loser by his suretyship.[2]

He lived to see the peculiar form of prison-discipline, which he himself was the first to elaborate, and of which, for a few years, he was the only advocate, meet, in all essential respects, with almost general acceptance. The history of the penal system of England since the introduction of cellular prisons, may now be resumed.

The measures initiated by the Duke of Richmond and Lord John Russell, were energetically prosecuted by the Peel ministry. Besides inaugurating the experiment of Pentonville, the Home Secretary, Sir James Graham, procured (in 1842) a leash of prison acts.[3] The first put a stop, at last, to the disgraceful evils which had so long defied the legislature in the three great receptacles for debtors, the Fleet, Marshalsea, and Queen's Bench. The two former were summarily abolished, and the last—completely reorganized, but not by any means thoroughly and finally purged of all moral and material filth—was constituted under the title of the Queen's Bench Prison, the National Gaol for debtors. To clear away a lot of legal lumber, which obstructed the progress of prison-building, especially in boroughs, was the chief object of the second act. The third was passed for the purpose of "promoting the establishment of district courts and prisons." The last was a most useful law; if it had been more generally obeyed many thousands of pounds would

[1] "April 25, 1846. Conceiving it practicable that an association on a small scale might be formed with the object of obtaining employment for such discharged prisoners as manifested a wish to reform, I applied to several benevolent and judicious men belonging to the superior class of operatives, and one or two shopkeepers of the same humane character, and stated to them my views. They received my proposal most heartily; and on Wednesday evening last the "Preston Association for providing employment for, and promoting the moral welfare of, discharged prisoners," was established. A list of four men and two women about to be discharged was laid before the committee then formed, and each prisoner's case was taken charge of by a member or members. May a merciful Providence be pleased to give success to this wise and benevolent undertaking."—*Journal.*

[2] I believe *never*, but I am not quite sure.

[3] 5 Vict. c. 22; 5 and 6 Vict. c. 53; 5 and 6 Vict. c. 98. See p. 99.

have been saved to the rate-payers, and justice would have been administered more evenly and systematically. "Whereas," said the act, "a good system of prison discipline can be carried into effect most easily, and at the least cost, by the establishment of large prisons,"[1] borough and county magistrates were recommended and empowered to amalgamate their Gaols, and their Gaol-sessions too. But for some reason the recommendation was seldom followed. Mrs. Grundy (calumnious as usual) has sometimes hinted that the real obstacle lay in the difficulty which the "county-people," felt in descending to occasional co-equality with "town-people."[2] While these acts were passed for the development of the prison system at home, the attempt (already described) was made by the Colonial Secretary, Lord Stanley, to remodel the convict establishments abroad, on the plan of progressive stages of probationary discipline. This attempt, the most important measure connected with the Criminal Question undertaken by the Peel Cabinet, ended in disastrous failure.

The dispatch of Lord Stanley, which established the probation system in Van Diemen's Land, was framed in accordance with recent reports from Sir John Franklin, the governor, describing the colony as in a high state of prosperity, and ready to receive yet more of the social manure which had helped to enrich it. There was at that time a brisk trade in government land, which promised to yield abundance of capital for the furtherance of the ministerial designs. Lord Stanley's dispatch left England in November, (1842), and on the voyage to the Antipodes crossed one from Sir John Franklin, announcing a change for the worse in the fortunes of Tasmania, and hinting his doubts whether he could dispose of the usual shiploads of transports. Manure, if not wanted, becomes pestiferous filth, as the colonists were already beginning to find. They were clamorous for transpor-

[1] A prison may easily be too large. "(I must) allude to the advantages we find in having but a comparatively small number of prisoners. Every individual's character is more or less understood by the superior officers; and each is treated according to his particular offence, conduct, or disposition."—*Report*, 1846.

[2] Mr. Dixon, in his "London Prisons," gives two amusing, though melancholy, instances in the chapters devoted to the Manchester New Gaol, and the Nottingham Gaol. Up to 1850 only one prison, that at Devonport, had been built under this Act. See Sir J. Jebb's evidence before the Prison Discipline Committee, 1850.

tation as long as it meant assignment; that is, as long as they got an abundant supply of slaves at the cost of the Government. But the "pass-holders," to whom they had to pay wages, and for the sake of whose services they had to submit to vexatious regulations, were no equivalent for the assigned convicts. To the free settlers, therefore, the probation plan soon became an intolerable, and, moreover, a dangerous nuisance; for philosophical as the theory seemed, in actual practice, the new scheme, instead of promoting reformation among the convicts, condemned them to ineffable degradation. The gangs fell into a state of chronic revolt, while the pass-holders and ticket-of-leave men became the terror of the community. Yet into this unhappy colony fresh convicts were poured, during the next three years, at the rate of five thousand annually; and be it remembered, that the home-bred portion of these five thousand, though amply endowed with criminal propensities in the first instance, had been besides thoroughly debauched in the common Gaols, further demoralized in the hulks, and finally trained to consummate rascality on board the transport ships, before they were disembarked in Tasmania. By the original scheme, too, the island was constituted the common cesspool into which the dehumanized brutes from Norfolk Island and the model prisoners from Pentonville, trained at the rate of 75*l.* a head, were both discharged. But it was seen at once that the ordeal of Van Diemen's Land would be too trying for the dubious virtues of the latter, and all but the first cargoes were therefore sent on to South Australia. The continental colonies, it is true, had ceased to be legal receptacles for common transports; but the law was evaded by changing the tickets-of-leave, with which these favoured felons were furnished, into pardons, and smuggling them into Port Phillip under the name of *exiles*. The contraband commodity, however, was very welcome, and at first no complaints were made.

With regard to female convicts, Lord Stanley's plan fared rather better. The proposed Penitentiary at Hobart Town, indeed, was never built; the plans and specifications went backwards and forwards between England and the Antipodes for the space of five years, and that was the only issue of the proposal.

An old hulk, therefore, was used instead. But women were so precious in Van Diemen's Land, and the consequent inducements to good conduct so great, that a large number of the female convicts turned out well, and were absorbed into the sound portion of the community.

The Home Government was kept in ignorance of the worst part of the evil they were creating. Sir Eardley Wilmot, who succeeded Sir J. Franklin in the governorship, confined his reports to urgent representations of the administrative and financial difficulties of his position. The commercial embarrassments which had befallen the colony had almost destroyed the demand for labour: the free emigrants were flocking to the neighbouring continent, and the pass and ticket-holders, unable to find employment, were thrown back on the Government, which at one time, with an empty exchequer, had to support more than 12,000 convicts. In fine, the inundation of criminals had well-nigh swamped the colonial administration. The classification on which Lord Stanley had laid such stress, was simply impossible. At many of the stations, convicts of every grade and character, ticket-holders, pass-holders, and gangmen, were huddled together in promiscuous confusion. Many of the officers in charge were debauched rogues, who aided and abetted in the villanies of the prisoners; the paltry wages offered could not buy for such a loathsome task the services of efficient men; and besides all this, the convicts had so rapidly increased in number, that they now formed one-half of the population. To deal with such a medley of evils, the governor should have been armed with a summary despotism: yet he was bound hand and foot with red-tape; to obey stale dispatches from Downing Street, which inevitably arrived too late by a twelvemonth for all practical purposes, was his first duty. All this (with official mitigations) the governor duly represented; but of the horrible vice which had spread over the colonies he gave no report, though the demoralization among the men herded together in the probation-gangs was unutterably awful. The assignment system, at the worst, had never generated such atrocities as were daily practised in these putrid masses of humanity. And it was after being "reformed" in these gangs—these guilds of devilry

which the government had unwarily created, that the bestial bipeds were let loose on the aghast colonists. Yet of all this, the Government was kept in ignorance. In vain Lord Stanley and his successor, Mr. Gladstone, warned from other quarters, pressed for information; the accounts of convict morality in Tasmania continued to be most pleasantly rose-coloured. There was a mystery about these accounts, which was never wholly cleared up. The obloquy heaped on Sir Eardley Wilmot on his return to England killed him; and after his death he was completely exculpated. Probably he really was deceived; yet he must have been strangely blind and credulous. However, early in 1846, the full truth became known in England—known chiefly through a protest of startling vehemence from the unfelonious inhabitants of Van Diemen's Land, who threatened to leave the colony in a body, unless the probation system was instantly abolished—and consequently transportation was at once suspended. But before they had time to devise a substitute, Sir Robert Peel and his colleagues had carried the repeal of the corn laws, and were expelled from office.[1]

At this juncture the Criminal Question naturally excited great interest, and numerous projects for the solution of the problem sprung up, both in and out of Parliament. The Russell Ministry met the difficulty promptly, and early in 1847 the Colonial Secretary, Earl Grey, and his colleague of the Home Office, Sir George Grey, announced the scheme which they had jointly devised. Though far from being a final settlement of the question, it was a statesman-like measure. The chief features of the plan were,—to make imprisonment the first stage of reformatory punishment, accepting the separate system as the most efficacious method of discipline; to constitute labour on public works *at home* the second stage; and, thirdly, on the expiry of a certain fixed portion of their sentences, to send out the convicts as exiles to such colonies as chose to receive them. This scheme, it will be seen, was only a re-cast of the previous system; but

[1] The expedient proposed by Lord Stanley, and adopted by Mr. Gladstone, was to found a new colony in Northern Australia, as an asylum for convicts who had passed through their term of probation. Some progress was made in carrying out the scheme, but Earl Grey, on his accession to office, at once abandoned it.

in remoulding that system Earl Grey and his colleague eliminated the two grievous errors which had marred it. Instead of giving only an elect few, the model prisoners of Pentonville, the benefits of reformatory solitude, they now proposed to submit the whole body of government convicts to the process; and instead of leaving the second probationary stage, in which delicate and judicious treatment are much more essential to success than in the cellular prison, to be undergone in the midst of bunglings, bankruptcies, red tape and underlings' delinquencies at the Antipodes, they determined to keep the prisoners and their trainers under immediate and watchful supervision at home.

The ministry did not undertake to solve the entire Criminal Question, but only the part which more immediately concerned them,—the disposal of government convicts. They therefore merely procured an act (the Custody of Offenders Act) to empower them to retain transports in Penitentiaries at home, during the whole or part of their sentences. Another part of the question, juvenile delinquency, was taken up by Sir John Pakington, who brought in the Youthful Offenders Bill, to enable magistrates to deal with criminal children by summary convictions and short imprisonments. This for twenty years past had been regarded by many as an infallible method for checking young offenders. While these bills were before Parliament, and divers projects before the public, Lord Brougham, seeing that for want of trustworthy information even the best devices for tinkering the penal system were little better than blind guess-work, procured a committee to investigate the whole question of the execution of the criminal law.[1]

All facts, opinions, theories, suggestions, &c. which it was advisable to collate and examine, were diligently gathered together by the committee. The collection, when complete, was a curious medley of conflicting doctrines and assertions, from

[1] The ministry, along with the "Custody of Offenders Bill" (10 and 11 Vict. c. 67) brought in a "Prisons Bill": but the object of this was not to legislate concerning prison-discipline, but only to reorganize the government prisons. It was presently seen, however, that the measure was premature, and therefore it was withdrawn. The Custody of Offenders Act left it open to the ministers to abandon transportation altogether; and probably they contemplated doing so as a possible contingency. Sir J. Pakington's Bill defined a juvenile as fourteen years old. A subsequent act fixed on sixteen years.

which it was very difficult to deduce true principles with anything like certainty.

The main questions before the committee were:—(1) What was the best means for checking the increase of juvenile delinquency? (2) Could separate imprisonment be relied upon as the basis of a new penal system? (3) Was it expedient to employ convicts upon public works at home?

It was soon seen that the prevention of juvenile delinquency was little short of being identical with the repression of crime altogether, and that, for the evil, as a whole, there was but one panacea—education. The whole mass of evidence concerning larcenous childhood, condensed into a single sentence, was simply this,—Take care of the children and the adults will take care of themselves.[1] With regard to the treatment of children who had actually become criminal, it was abundantly demonstrated that at least a dozen reformatory schools, on some plan cheaper and better than that followed at Parkhurst, were urgently required. Opinions for and against the Juvenile Offenders Bill were almost evenly balanced, but the committee, with some hesitation and sundry criticisms, reported in its favour. The bill, accordingly, became law, and effected some negative good by saving children from the contamination of the "trial yard:" but as a positive check to juvenile delinquency it failed entirely. Two-thirds of the Gaols were still academies of crime, where the larcenous urchin could not fail to complete his education in rascality. And even if sent to a better—a cellular prison, little could be done with him: three months was the longest term the act allowed, and in that time it was impossibe to eradicate the bad habits, or even subdue the pert boldness of the child. He went out exalted in his own esteem by the solemn prison etiquette with which he had been treated, and quite ready to try his luck in the first feasible pocket.[2]

[1] A favourite saying of Archbishop Whately. One morsel of sound doctrine from the committee's report must be reproduced *verbatim*:—"Without raising any speculative question upon the right to punish those whom the State has left in ignorance, it may safely be affirmed that the duty of all rulers is both to prevent, as far as may be possible, the necessity of punishing, and when they do inflict punishment, to attempt reformation."

[2] The Recorder of Birmingham for the last six years had adopted the practice in his own court, in the case of young delin-

The inquiry into prison-discipline resulted in a cautiously qualified verdict in favour of the separate system. It had been tried for so short a time, and in so few prisons, that the committee declined to risk any opinion on its merits either as a substitute, or a preparation, for transportation; and while they recommended that "the number of prisons adapted to the practice should be multiplied," they urged that the discipline should be administered with the greatest care. The evidence fully justified this caution. It was only in the prisons at Perth, Bath, Pentonville, Reading, and Preston, that the experiment had, as yet, been tried sufficiently long to form the basis of a trustworthy opinion. The astounding number of recommittals at Perth, and Mr. Osborn's honest confession that the discipline had failed to cure old offenders at Bath, were almost enough to damn the system; the collegiate character of Reading Gaol did not catch the fancy of the committee; the insanity and delusions at Pentonville were not quite comfortably accounted for; in short, Preston Gaol was as yet the only instance in which *encellulement* had been tried with great success, and without a drawback. Such favour as the committee ventured to show to the separate system was mainly due to Mr. Clay's evidence.[1]

With regard to transportation it was impossible to come to

quents charged with light offences, of taking recognizances for their future good conduct from their parents or masters, and then dismissing them without further punishment. The committee recommended that magistrates generally should be empowered to follow this example. The introduction of a clause to that effect in Sir J. Pakington's Act would have doubled its value.

[1] Perhaps I overrate the value of his evidence: yet twelve years after Lord Brougham wrote thus to the Recorder of Birmingham:—

"Chateau Eleanore Louise, Cannes,
Jan. 1st, 1859.

"My dear Hill,—Wishing you and yours all the good wishes of the season, let me thank you for your letter which came yesterday, and for the gratifying mention of the intended memoir of J. Clay [alluding to an article afterwards published in *Meliora*]. It is an imperative duty to preserve the memory of such men—and besides the act of justice to them, it is of most essential use to society. I have rarely known an instance of so great, never of a greater, public benefactor, in his station; and I was so much impressed with a sense of his extraordinary merit, and of the great services he was rendering, that after he had been examined in our Transportation Committee (House of Lords) I strongly urged his promotion both in the Church and in the Home department. But I urged in vain. Borough influence disposes of such things, and I don't see how any change in our representative system is likely to mend the matter. The account given by Frederic Hill [in the *Alliance Weekly News*] is very good, and much under, not over, the truth."

any decision. Some witnesses condemned the whole system as iniquitous, others could see no evil in it. The judges unanimously pronounced the punishment more deterrent than anything save the gallows, and a majority of the witnesses echoed their opinion. But many were the variations advocated as to the mode of carrying out the sentence. A few thought the probation system could be so remodelled as to become reformatory; others wished to resuscitate assignment, and on that plan a strong party in New South Wales were willing to receive convicts. The Rev. Whitworth Russell and his disciples would have locked up criminals for terms ranging from eighteen months to three years in separate cells, and then set them free in Australia, under an engagement not to return to England. His opponents would have shipped them off with all speed from this country, and inflicted all the discipline at the Antipodes. In fact, public opinion about transportation was in as chaotic a state as the system itself; and in that state the committee left it, merely echoing the suggestions of the chief witnesses, and delivering an emphatic caution against the abandonment of so deterrent a punishment.

There was less difference of opinion respecting convict labour. The most experienced witnesses were unanimous in declaring that labour in gangs would both harden the criminals, and also excite for them a morbid sympathy in the neighbourhood which had to endure their presence. Little encouragement was to be drawn from the past history of the hulks; while the accounts from the *Travaux forcés* in France, and from similar establishments in Norway, were full of warning. The committee's summary of the evidence was but a wry benediction of Sir George Grey's new scheme of penal public works.

The report of the committee was a fair epitome, not only of the evidence, but also of all the synchronous discussions, in Parliament and elsewhere, on the Criminal Question. Among all the difficulties and dead-locks of that eventful year (1847), the convict-management dilemma was by no means the least. It gradually became clear that the nation, oscillating, as usual, between selfishness and sentimentality, would not allow transportation to be abolished. Selfish timidity was the real motive

which caused the various outcries for the continuance of transportation whenever the system was in jeopardy, and embittered the unseemly wrangle with our colonies when the final stoppage came. At the same time, one strong argument was entitled to full consideration: the criminal, completely separated from old companions and temptations, in a new country where the employer is far too anxious for workmen to be fastidious about their characters, has a far better chance of returning to honesty than he would have in crowded England. Within the last ten years, however, the force of this argument has been much weakened. The sentimentality of the public was generally reserved for the separate system. There was never any lack of copious sympathy for the criminals shut up in lonely cells at Pentonville, exposed to the tender mercies of empirical philanthropists; though the sympathisers would have shipped them off to Norfolk Island without any compunction. However, at this particular juncture, model prisons were in rather higher favour than usual.

The thorough discussion which the criminal question underwent, had a considerable effect in moulding the plans of the ministry. Their ultimate decision was to preserve intact two-thirds of their original scheme—that is to say, the first reformatory stage of solitude in cellular prisons, and the second probationary stage of association on public works—but instead of setting the convicts entirely free as soon as they were landed in Australia, they wisely determined to retain a hold over them, until the expiration of their sentences, by means of the old ticket-of-leave machinery. Transportation had been suspended by the Peel Ministry for two years; and as the first two stages of discipline, in the case even of the shortest sentences, required at least that period, it was unnecessary to dispatch any convict cargoes before the time fixed. On the resumption of the practice, an act [1] was passed to substitute a lighter penalty for simple larceny and the lesser kinds of felony; and thus the annual export of criminality was reduced by a third.

The yearly crop of male Government convicts produced by Great Britain (Ireland has always had her own convict

[1] 12 Vict. c. 11.

establishments) was at that time about 3,000, not counting 200 or 300 boys for whom the Parkhurst Prison supplied all the requisite discipline, both solitary and social. In various ways, by deaths, pardons, pretermissions of the second stage, &c. this number, by the time it had been filtered through the cellular prisons, was reduced to 2,000. As the average period of detention on public works was three years, accommodation in the second stage was required for 6,000 men. For these, the only receptacles in existence were four sets of hulks at Woolwich, Portsmouth, Gibraltar, and Bermuda, and the Government committed the disgraceful mistake, which stultified their whole scheme, of retaining these wretched make-shifts in use. It is true that of late years the discipline on board had been a little improved; and abundant promises were now held out of farther amendments immediately, and entire abolition at an early period. If the cholera, however, had not come, and set even official underlings all agog, probably the first part of the promise would not have been kept; as it was, some very insufficient white-washings and purgations were all the improvements effected, till the appointment in 1850 of the "directors of convict prisons." Under their energetic administration the curable evils, which were by no means the greatest, were cured at last. As to the abolition, in spite of public indignation and the chronic remonstrances of the aforesaid directors, the English hulks were not abandoned till 1856, nor those at Gibraltar till 1859. One is still in use at Bermuda, though it is confessed, even in official reports, that all the abominations peculiar to hulks are there forced into frightful maturity by the heat of the climate. Yet, when the Russell Ministry determined to retain the hulks, it was already known that the second stage, unless the discipline was most judiciously administered, and the moral machinery most carefully worked, would counteract the reformatory influences of the cell; that however advisable, in theory, it might be to interpose an interval of probation between close confinement and perfect liberty, the necessity for spending that interval, not among wholesome freemen, but among tainted criminals, involved a serious risk of neutralizing all the possible benefits. To send men who had been submitted to a long,

delicate, and expensive process of reformation, to undergo the ordeal of the hulks, where it was confessed on all hands that contamination and corruption were, humanly speaking, inevitable, was one of the most signal blunders ever perpetrated, even in Downing Street. What pain this gross mistake occasioned Mr. Clay—with what incessant, and not altogether ineffectual, protests he plied the Government until the evil was removed—will be seen below. The Ministry, however, partly true to their pledge, that the hulks should be only a temporary expedient till better prisons could be erected, commissioned Sir J. Jebb, in the summer of 1847, to construct cellular barracks, and prepare a complete penal establishment on Portland Island, where it was intended to employ about a thousand convicts in the construction of a breakwater.

It was decided that from nine to twelve months, half the former term at the Model Prison, should be the period passed in solitude by the Government convict, and accordingly about 2,600 cells were required. As Pentonville and Milbank could only furnish 1,200, the Government, to make up the required number, hired ranges of cells in various county prisons, Wakefield, Preston, Reading, &c. One consequence of the new arrangement was, that the Model Prison no longer received a choice selection of young, sound felons, without a suspicion of insanity in their families. At the same time, the discipline of the prison was greatly mitigated. In the year 1847, the two founders of the separate system were, by a strange fatality, both smitten with sudden death, the one at Pentonville, the other (in a very sad fashion) at Milbank. They had both retained their staunch faith in the discipline they had created, long after their coadjutors had wavered in their allegiance; and their death cleared the way for many alterations which Sir J. Jebb and Mr. Kingsmill had long wished to introduce. Some mitigation was imperatively needed, for the convict had now before him the gloomy prospect of long slavery on the public works, instead of the promise of speedy freedom in Australia. Against this terrible out-look a curtailment of his term in solitude, even when eked out by occasional indulgences, such as permision to garden, or to share in the social duties of the prison, was barely a

set-off. The modified discipline was still far more rigid than that at Preston, and now that the cells were peopled, not with the elect, but with the common ruck of felonry, the terrible power of too strict isolation was at once seen. Insanity increased five-fold. The advocates of the original system said that this was owing to the relaxations of the discipline.

The Ministry chose *encellulement* as the first stage of their penal process, rather from lack of an alternative than from any full conviction of its merits. The day of the silent system was almost over, and it had now but few advocates. The "mark system" was a more formidable rival, but that as yet had obtained nothing but shallow criticism, ridicule, or faint praise. There was not a single item absolutely novel in this system—a precedent for almost everything it contained may be found in the works of Whately, Bentham, or Paley—yet the author, Captain Maconochie, who elaborated his system in the midst of the convict chaos of Tasmania, while he was yet in total ignorance of all speculative "penology," based it on a theory of punishment which embodied the truest doctrines, while it avoided the worst errors of all previous theories. There were serious flaws in the system—it was lacking in power to reform; yet of probationary, as distinct from reformatory discipline, Captain Maconochie is the inventor.[1]

Attention was first drawn to the mark system by Sir W. Molesworth's Committee on Transportation, before which were laid three elaborate reports on the condition of convicts in Tasmania, prepared by Captain Maconochie, at that time secretary to Sir John Franklin, the governor. In these reports he propounded his new method of treating criminals, which the committee endorsed as "worthy of consideration." Among the various attempts which were made, in consequence of the com-

[1] As I shall have to draw a distinction for the future between *reformation* and *probation*, I had better distinctly define the words. When once the *will* of the criminal is fairly enlisted in favour of honesty and goodness he is *reformed*. He may still lapse under temptation, but that is for lack of sufficient probation. *Probation* is the process of training by which the will is strengthened and good habits formed. Reformation and probation in penology answer to *conversion* and *edification* in theology. Captain Maconochie, like many others, failed to recognise the difference.]

mittee's investigations, to rescue the penal colonists from perdition, it was determined to give his plan a trial; and to this end, early in 1840, he was put in command of Norfolk Island. He strongly protested against being compelled to test his principles on so putrescent a sample of humanity; but, "*fiat experimentum in corpore vili*," was the only answer he could obtain from the Government.

The mark system rests on four chief principles. Instead of a time-sentence it inflicts a labour-sentence, thus setting the convicts to earn back their freedom by the sweat of their brows: it teaches self-denial, by enabling them to purchase a speedier termination to their slavery by the sacrifice of present animal indulgence: it appeals to the social qualities, and makes the prisoners themselves coadjutors in the preservation of discipline, by giving them an interest in each other's good behaviour: and lastly, it prepares them for restoration to society, by gradually relaxing the restraints on their conduct, and training their powers of self-governance. To carry out his principles, Captain Maconochie treated the convict as a labourer, with marks for wages, and required him to earn a certain number as the condition of his discharge. These marks had an alternative value; they could either purchase extra food, or the deduction of so many days from the sentence. He fixed on ten marks as a fair day's wages, the men being paid by piece-work, and not by time; and for every ten marks he saved, the convict shortened his term by a day. At the stores he purchased daily his necessary supplies, paying for them in marks. The rations were served out at three rates, the coarsest and cheapest cost three, the next four, the best five marks, per diem. The abstemious felon might thus save seven marks, and even the self-indulgent five, each day, for the purchase of his liberty: and as extra marks were allowed for over-work and hard work, it was possible to hoard at the rate of eight or ten a-day. The marks, too, furnished the means of disciplinary punishment, a proportionate fine being the penalty for every act of misconduct. And while, by this machinery of marks, Captain Maconochie trained his convicts to self-denial and industry, he secured his other objects by different means. He divided the convicts' sentences into three periods. During the

first—the penal stage—the men worked under sharp, stringent discipline. At the conclusion of this, they were allowed to form themselves into companies of six each (being left to themselves to chose their own companions), and they then entered the social stage; in this, the six had a common fund of marks, into which the daily earnings of each were paid, and from which the food and fines of each were deducted. They were thus made responsible for each other's conduct, and, moreover, by this means, Captain Maconochie, who well knew the intense selfishness of criminals, hoped to implant kindly and social feelings. In the last, the "individualized" stage, the parties were broken up, and though every man was still kept to penal labour to earn his tale of marks, he was in other respects free. He had his own hut and garden, and, if he wished, he might have a piggery and poultry yard; for the Captain, by giving the probationer property and rights of his own, hoped to teach him respect for those of other people.

Captain Maconochie was four years in Norfolk Island. "I found it," he says, "a turbulent, brutal hell, and I left it a well-ordered community." This description of the previous condition of the island is no exaggeration, as the loathsome evidence given before the Transportation Committee fully proves. A slight idea of that condition may be gathered from one single episode in the history of the island. In 1834 there was a desperate, and well-nigh successful, mutiny among the convicts. Twenty-nine of the ringleaders were condemned to the gallows. The kind-hearted judge who presided at their trial could scarcely control his emotion, as he passed sentence on them one after another, knowing as he did, that they were "more sinned against than sinning." At last he fairly burst into tears, when one of the culprits, on receiving the customary challenge to show cause why judgment should not be pronounced, pleaded, that "let a man be what he will when he comes here, he is soon as bad as the rest; a man's heart is taken from him, and there is given to him the heart of a beast." It was determined that only thirteen should be hung, and Dr. Ullathorne, at that time vicar-general of Australia, volunteered to take the news of their reprieve to the pardoned, and to offer the consolations of religion to the condemned.

The rest of the story may be told in his own words:—"Upon entering the Gaol I witnessed a scene such as I never witnessed in my life before. . . . I said a few words to induce the men to resignation, and I then stated the names of those who were to die; and it is a remarkable fact, that as I mentioned the names of those men who were to die, they one after the other, as their names were pronounced, dropped on their knees, and thanked God that they were to be delivered from that horrible place, whilst the others remained standing mute. It was the most horrible scene I ever witnessed." When Captain Maconochie took the command there were nearly 2,000 convicts on the island; of these, one part were the worst of the felonry from England, but the majority consisted of the re-convict villains from New South Wales and Tasmania—the dregs of the dregs of criminality. The former were sent direct from England for the express purpose of being experimented upon, but he was restricted from bestowing too much empirical benevolence on the latter. To maintain discipline, he was forced to organize his police out of the prisoners themselves, all the assistance allowed him being 160 demoralized soldiers, and five free superintendents. On his arrival, he found the prisoners treated after a fashion which was fast sinking them into a deep lower than the lowest. It was, in fact, the old-fashioned discipline which had been in force for many years, not only at Norfolk Island, but also at the two other penal settlements—Moreton Bay, in New South Wales, and Port Arthur, in Van Diemen's Land. Their self-respect was outraged upon principle. They were required to cap every common soldier and every sentry-box, whether empty or not: if they met a superior officer, they were to stand aside, get down into the ditch, if necessary, and to remain bare-headed while he passed by, officially unconscious of their presence. For trifling offences against regulations, a clandestine pipe, an unwarranted cup of tea—nay, even for a saucy look—they were flogged, ironed, or locked up in dark dens for a term of days. On the other hand, robbery, brutal violence, and horrid vice, were treated as a jest. They were fed and housed like dogs; they slept in filthy sheds or in kennels; and as knives and forks were forbidden, they were forced to tear their food with their fingers and teeth.

In all this Captain Maconochie wrought a speedy change: he threw himself heart and soul into the work of regenerating these degraded brutes. He built churches, established schools, imported a catechist, and on Sundays toiled as ministering deacon himself. Day after day his brain was incessantly busy, elaborating new expedients with which to raise his fallen charge out of bestial lust and demoniacal malignity into self-respect, loyalty, and human affection. And his success was great, though he was never allowed to give his system a fair trial; for the governor of New South Wales, under whose commands he was placed, would only grant a qualified approval to his scheme. Instead of promising certain freedom to all the men who earned the requisite marks, he could only undertake to use his utmost endeavours to obtain a ratification of his conditional engagements. The Colonial Government, after leaving the matter in suspense for more than two years, refused to grant the emancipation which was already, in many cases, half-earned. If his administration had not been founded on a very sure basis, it must have crumbled to pieces under such a shock. As it was, half of his work was undone at a blow, and the moral condition of the convicts irretrievably injured: but he once more recovered his hold, and in some degree his beneficial influence over them. The experiment was bitterly unpopular at Sydney. He had been an open adversary of assignment at a time when opposition to that system incurred such odium in Australia as would now greet a free-spoken abolitionist in a New Orleans slave mart. The offence was never forgiven, and now that he appeared as a candidate for popular approval, he was greeted with eager condemnation. His method, it seems, was somewhat more expensive than the old hog-and-dog discipline; by peremptorily suppressing petty tyrannies and brutalities he had incurred the ill will of his own subordinates; and the stupid selfish colonists raised an outcry that he was making his felons comfortable and jolly, and stripping Norfolk Island of all salutary terror. They were scandalized when they learnt that he thought a few wholesome novels might possibly do his convicts good; that he gave them a holiday on the Queen's birthday; that he allowed the use of tea, coffee, and tobacco; that he was anxious to have seraphines in his

churches. Probably he was too indulgent; a man so kind-hearted, so nobly credulous, would hardly escape that error: but to many of his laxities he was driven against his better judgment. Forbidden to stimulate with the hope of liberty, he was compelled to devise all manner of allurements with a view to tempt his convicts to make an effort for self-restoration. "You must remember," was his own defence of the indulgences he permitted, "that I was dragging up two thousand of my fellow-men almost by the hair of the head from perdition."

When Lord Stanley ordered the reconstruction of the Australian convict establishments, Captain Maconochie was dismissed. The prejudice against him had been transmitted through official channels to England, and besides Norfolk Island, as already related, was required to serve as the scene of the lowest stage of discipline in the probation system. Lord Stanley made wise and humane provision for the government of the island prison, but the imbecility of the officer, to whom the command was entrusted, frustrated his intentions. The old dog-kennel discipline was re-established, the old evils sprang up again, and at last the exasperated convicts burst out in ferocious revolt, headed by a stripling named Jacky Jacky—an extraordinary lad (for he was hardly more), whom nature had endowed with various elements of heroism, and from whom the unkind destiny, which had transformed him into a dare-devil felon, had not eliminated all the chivalry. When Earl Grey was called on to repair the disastrous ruin of the probation system, his first measure was to effect a thorough clearance of Norfolk Island. Three-fourths of the convicts were at once shipped off to Hobart Town, and, under a new commandant, the residue were in some degree reduced to order, and reclaimed to humanity. But about six years ago, when further experience had conclusively proved that the island was no fit place for penal discipline, the convict establishment was finally broken up; and then, rescued at last from desecration, the little Paradise of the Southern Pacific was given, as a new home, to the Pitcairn Islanders.[1]

[1] The painfully interesting narrative of Mr. Barber, in "Household Words," vol. v. pp. 455—482, contains a good account of Norfolk Island under Captain Maconochie's successor. At page 73 there is a description of the island in its sub-

On his return to this country, Captain Maconochie took a prominent part in the controversy on secondary punishments, and acquired considerable notoriety as a pamphleteer in favour of his own, against the silent and separate systems. Enamoured of his invention, he believed it to be as applicable to a common Gaol as to a penal colony. Lord Brougham's Committee gave him an opportunity of expounding his views: but the sharp cross-questioning to which he was submitted concerning certain faulty details of his administration in Norfolk Island, marred the effect of his evidence, and the beauty and importance of his theory was not fully recognised. The Government gave some sort of half-promise that the mark system should be tried, but unless the feeble plagiarism established by Sir J. Jebb at Portland could be regarded as the redemption, the pledge was never fulfilled.

Nor did any ministry ever discover the value of Captain Maconochie himself, for he was entirely devoid of aristocratic connexions. In other quarters, however, he was better appreciated, and at last obtained a second chance of exemplifying his theory in practice. At the laying of the foundation-stone of a new Gaol in Birmingham, in the year 1845, Mr. Hill, the Recorder ("a man," says a competent judge, "with a minimum of fat in his brain"), told the crowd assembled to witness the ceremony, that the prison when built was to be a "moral hospital." Himself a thorough-paced advocate of the principles implied in that phrase, he saw the worth of the mark system long before it was generally acknowledged; and when the new Gaol was opened in the autumn of 1849, he induced the magistrates to appoint Captain Maconochie the governor.

Once more to try his own system was the old sailor's chief object in accepting the office. It was, however, but a mutilated version with which he was forced to rest content; for the law forbade the substitution of labour- for time-sentences; besides,

sequent regenerated condition. Some particulars of Jacky Jacky will be found in both these papers. It is refreshing, after dwelling on its awful past history, to read the Propagation Society's last Report on the Island, which makes, in fact, a very pretty statistical epigram:—Population, 225; church members, 225; communicants, 90.

he was clogged with visiting justices, as well as with legal shackles. The make-shift substitute for his system, devoid of the main-spring of the original—the love of freedom—could not be expected to work with great accuracy or success. To give his marks some real value, he established various grades of discipline—the lowest very penal, the highest comparatively lax—and set the prisoners to purchase promotion in the scale by their own industry and energy. They began with odious crank-labour in their solitary cells, and gradually rose, as they earned their marks, to easy social employment in the workshops or garden. Tested by the number of recommittals, the treatment succeeded fairly, especially with the boys, to whom it was more thoroughly applied. But long before the right value of the discipline could be fully ascertained, the experiment was abandoned. There were things in Captain Maconochie's plan not dreamt of in the philosophy of borough justices. The municipal mind, strongly reliant on "common sense and the treadmill," was first bewildered, and then scandalized, by the theories of the benevolent experimentalist. Rumbles of dissent, therefore, arose, which waxed presently into vigorous wrangles, and finally, culminated in the dismissal of the governor.[1]

[1] In reference to his dismissal, the Recorder of Birmingham makes the following wholesome observations in his "Repression of Crime," p. 258: — "We must either demand that our visiting justices shall possess the professional skill which would enable each of them to govern a Gaol himself, or they must, in the main, restrict themselves to making a wise and prudent choice of a governor; leaving him as much as possible unshackled; but taking care to exercise such vigilance as to give them a thorough insight into the real working of any system which he may adopt. But here comes the difficulty. The duties of the visiting magistrates are prescribed by various Acts of Parliament, and have relation rather to the old order of things than the new. The statutes evidently regard the governor as a mere servant—as the rude uncultivated being who formerly answered, and too often still answers, to the name of gaoler—and are totally inapplicable to a person occupying the station and endowed with the feelings of a gentleman; and, what is more, who ought to be far better able to give instruction to the visiting magistrates than they are to furnish it to him." It has been proposed to vest the appointment of prison-governors and chaplains in, and make them responsible to, the Home Secretary; but to this there are palpable objections. As, however, the doctrine that the commission of the peace confers infallibility is clearly untenable, some check is required to save justices from becoming too sapient. It might be well, therefore, to give the Home Secretary a veto on their power of dismissal, as proposed by Sir James Graham (in 1843), with reference to the disgraceful treatment of the chaplain of Knutsford Gaol. If the governor, and, for that matter, the chap-

And thus the second chance of working out his doctrines slipped away, and none other ever came. And now none other ever will come; for since the first pages of this volume were written the noble-hearted old man has passed away from maleficent neglect to beneficent death. Not altogether uselessly have these imperfect records been compiled of those who have preached, or still better, acted the Gospel among prisoners, if they help to win some slow justice for one of the worthiest of that scanty band. Yet, after all, he has not fared much worse than his fellow-workers. One portion, indeed, of the said fellow-workers have prospered pleasantly, the bigger wigs of the party, namely,—government inspectors, surveyors-general, and the like: these, fitted out from the first with official dignities, and fat salaries, and vigilant patrons, have generally gone up, step by step, in the ladder of promotion. And in all justice be it noted that, with an exception or two, they did their work well: only, it was not very hard, and they had their reward. But the ill-paid men, to whose lot the real grim task-work fell—the chaplains, who, year after year, toiled from cell to cell, painfully ministering; the convict superintendents, who strove to sweeten our putrid sewage at the Antipodes; the governors, who with incessant care and vigilance built up perfect disciplines in chaotic Gaols; the unofficial Christians, who met the outcast convict at the prison-door with the offer of friendship and honest work, and, may be, a coin or two from their own light purses—the earliest and best of these, the men who first taught England how to rescue her criminals from perdition, have now nearly all lapsed into the oblivion of a paltry pension or a quiet grave.[1]

The history of Alexander Maconochie's theory, which has hitherto been a separate episode, from this point joins the main

lain too, were *ex officio* on the commission of the peace themselves, and therefore socially coequal with their "masters," it would probably help to prevent the appointment of men (not gentlemen) who will be submissive. See the instructive foot-note at page 114.

[1] It would, of course, have been impossible for me to give a fuller account than I have of Alexander Maconochie; and it would have been superfluous too, for his story is fully told in Mr. Hill's recent work, "Our Exemplars." There is also an interesting article upon him in the current number (13) of *Meliora*.

narrative. To describe the gradual plaiting together of the mark and the separate systems is what now remains to be done.

His dismissal from the governorship of the Birmingham Gaol was closely connected with the onward progress of the Criminal Question. The controversy about prison-discipline, which revived in 1847, increased the next year, grew vigorous in 1849, and culminated in 1850. By degrees, almost the whole press, which had been generally favourable to the plan of separation in 1847, veered round into brisk hostility. Early in 1849 the *Times* began to fulminate; presently the *Daily News*, with other newspapers, took part (though with mitigated vehemence) in the attack. And of course their "facetious contemporary," follow-my-leader *Punch*, immediately flung his squibs at the unpopular system. But the journalists had no monopoly of the wrangle. The din stirred up a multitudinous flock of pamphlets, and such a hubbub of philanthropic and anti-philanthropic cawing ensued as has seldom been heard. Many of the great lords of literature shared in the controversial *mêlée*. In the spring Carlyle flung "Model Prisons" at the belaboured system; and in autumn Dickens, in the final number of "David Copperfield," gave it the unkindest cut of all. The latter had long entertained an honest grudge against *encellulement*. A rhapsodical account which he had given in his "American Notes" (1842) of the Philadelphian Penitentiary, and for which his veracity had been sharply questioned, was his first overt act of hostility; and since then he had bestowed sundry raps on the obnoxious system. He had moreover a double purpose to fulfil, for at this particular juncture he had got to finish up Uriah Heep appropriately. The previous prejudice and the present necessity resulted in the inimitable tableau, in which Uriah, with pattern penitence and deeply 'umble, took leave of the public in the character of a model prisoner, the centre figure in a cackling group of ecstatic justices. The rattling fun of the caricature told powerfully on the British public, which always believes without any question in the ridiculous absurdity of everything that is cleverly quizzed. The able editors and the literary magnates failed to upset the separate system, but their efforts produced some effect. A partial reaction against reformatory discipline set in, and presently

led to issues signally calamitous. These issues may, with some justice, be fathered on the able editors and their allies; for though they would have vehemently repudiated the paternity, yet such results were the inevitable alternative of abandoning the principles they had so strenuously denounced.

The reaction against the method of kindness, between which, and the method of indulgence, the public could see no difference, received some stimulus from a parliamentary committee. The prison-discipline controversy raged as vigorously in Parliament as out of doors: Lord Brougham kept it alive in the Upper, Mr. Charles Pearson, member for Lambeth, in the Lower House. This gentleman, who had long made penology his study, was already well known as a high authority respecting juvenile delinquency, and a prominent advocate of reformatory schools; his long tenure of the office of City Solicitor had given him a thorough insight into the nature of metropolitan crime. Armed with a new theory of his own, he now threw himself into the prison-discipline controversy as a vehement opponent of the separate system. His opinions helped him to a seat in Parliament, at the general election in 1847; for it chanced that there was a project on foot for building a cellular prison for the county of Surrey, and as the rate-paying voters regarded the proposal with natural repugnance, they welcomed Mr. Pearson with equally natural favour. Returned for Lambeth, therefore, he at once commenced a crusade against the separate system. In January, 1849, he convened in the city a special parliament of prison-disciplinarians, to hear him lecture, and to discuss his principles. After a six days' session, his convention armed him with a petition, chiefly of his own composing, which he presented to the House of Commons on 31st May, and on the strength of which he moved for a committee to investigate both his own scheme and the general question. Prison-discipline is certainly not a lively subject for discussion in the dog-days, and therefore Sir George Grey bribed him, with a promise of a committee early in spring, to drop the matter for the present. To this he consented, and, according to pledge, the committee was appointed in February, 1850.

Mr. Pearson's plan was based on a simple reversal of the pet

principles of the Berkshire justices as exemplified at Reading Gaol, which, with considerable sagacity, he selected as the most assailable specimen of the obnoxious system. Taking for his own text—as the antithesis of the Reading motto, "Nothing but education"—the verse in Genesis, "In the sweat of thy face thou shalt eat bread, until thou return unto the ground," he affirmed that God had laid mankind under a "labour and appetite" sentence, and that this sentence formed the basis of all penal law. Criminals were criminals because they rebelled against the universal decree, and set themselves up as a class privileged to live in idleness. To bring them under submission to the common penalty, to condemn them to earn their own bread by their own toil, was, he maintained, the simple solution of the Criminal Question. Forced to work under pain of approximate starvation, they would by degrees be stereotyped with habits of industry—that is, reformed. Unconsciously regarding religion (in full accordance with the prevalent creed) as a desirable adjunct in a Christian life, not as an essential element, he merely pieced it into his system as a useful accessory to his main principle of industry. The prisoners were to have a daily allowance of "public and private prayer, of mental and moral instruction," but as ten hours of hard labour were first to be secured, his schoolmasters and chaplains would probably have found them sleepy and stupid: besides, as the mark system was to be adopted, they would be free to shorten their confinement, or purchase some extra creature comforts, by working over-hours, if they chose. In conformity with his fundamental tenet, the prisoners' labour was to defray the whole cost of the establishment. To effect this, he proposed to erect district prisons, each of which was to stand within a huge wall enclosing a thousand acres. These acres the agricultural convicts were to cultivate, while the various mechanics plied their trades in workshops. To prove that his prisons could be made self-supporting, he brought forward a crowd of witnesses, whose evidence certainly showed that his projects were far from chimerical. He argued his case with great skill, but he could not induce his brother committee-men to pronounce his system worthy of universal adoption, as the only sound type of prison

discipline. The preliminaries, in fact, to its national establishment were rather alarming. The entire criminal law would have to be re-cast, all existing prisons abolished, and new ones built at the cost of 80,000*l.* apiece. But while refusing adhesion to all his principles, Mr. Pearson's colleagues recognised, better than he did himself, the true worth of his scheme. Like the mark system, from which it differed in no essential particular, the discipline he proposed was precisely the kind wanted to brace up and confirm the prisoner after passing through the moral chemistry of the separate system. They therefore passed a resolution, destined before long to be acted upon, that for sentences of transportation shorter terms of imprisonment should frequently be substituted, of which the later portion should be passed in district prisons, modelled on Mr. Pearson's principles.

The evidence of the very first witness called before the committee, Sir J. Jebb, proved conclusively that Mr. Pearson would find it a hard task to redeem his hustings pledge, to pull down the separate system. On the main question, whether it was to be maintained or not, Mr. Pearson's was the solitary hostile vote. There was some difficulty, however, in determining what was the separate system; for there were no less than five distinct variations claiming approval. Firstly, there was the discipline of Pentonville, now mitigated by horticulture, &c.; secondly, there was the academical discipline as yet flourishing at Reading; thirdly, there was the semi-cellular mark system, then in partial operation at Birmingham; fourthly, there was *encellulement* with hard labour at cranks and similar contrivances, enforced at Winchester, and in a still more punitive fashion at Leicester; and fifthly, there was the "mixed system," still working with great success, and no drawbacks, at Preston and elsewhere. After examining many witnesses and long discussions, the committee reported strongly in favour of the discipline of which Mr. Clay was the most prominent advocate. Every modification of rigid isolation for which he had contended was emphatically commended. In fact, most practical disciplinarians were rapidly embracing his opinions; the experience of a few years had already proved their soundness. At the great Wakefield Prison,

for instance, the justices had begun with Pentonvillian rigour, and in less than two years adopted all the Preston modifications. But still the committee hankered after some method of treatment more sharply penal than that at Preston seemed to be. The influence of the able editors crops up in many portions of the report, which is an attempt to make the unpopular system satisfy the cry for cheapness and austerity. The Reading plan, therefore, of plenty of sleep and study, with no manual employment except by way of "recreation," was thoroughly repudiated, and some wholesome resolutions passed in favour of more work, coarser food, and less artificial warmth. Unfortunately, however, the committee went farther, and voted that hard labour was not incompatible with individual separation, citing Leicester Gaol as a model for imitation. In this Gaol the prisoners had cranks in their cells, and were forced to turn the handles 14,000 times a day: if they refused to work they were starved or flogged into submission. This discipline had produced the notable result of frightening all the tramps from the neighbourhood. The justices flattered themselves that some of their prisoners were reformed: as, however, the recommittals for serious offences were not diminished, they were in this respect probably sanguine. The Leicester witnesses were not very explicit about the sickness and insanity in their Gaol, nor were the committee-men very searching in their questions. In fact, the crank variation of the separate system was the very thing which the public had been crying for; it satisfied the requirements of *Punch*, the able editors, and the justices. Among the latter the treadmill was still widely regretted, and the substitute for it was hailed with eagerness. It was in vain that Messrs. Clay, Field, and others, protested that the cell, without any addition, was already penal to the very verge of safety; that Mr. Osborne, of Bath, who spoke from what he had seen in his own Gaol, stigmatized crank-labour as torture, and foretold the inevitable consequences. The committee adhered to their opinion, the public approved, and even Sir J. Jebb, who should have known better, appeared as quite a connoisseur in patent cranks, and spoke strongly in their favour. To such august authority the magistrates in various districts bowed at once, sharpened their discipline, and laid in a

stock of cranks. It was solemnly believed that there was a reformatory, as well as a deterrent, potency in the appointed 12,000 revolutions per diem. Yet to warrant such a belief there was not even the plea that the irksome toil was productive. It was impossible to find grist for all the penal mills, and the justices were therefore compelled to set their rogues to barren air-grinding. Yet even Sydney Smith (whose philosophy was as shallow as his sympathies were broad), in the midst of his laudations of the treadmill thirty years before, had more than half suspected that when a man was put "on a level with a *primum mobile*, a rush of water or a puff of steam," the knowledge that no earthly purpose, save his own annoyance, was answered by the stretching of his muscles and the stiffening of his joints, would hardly assist in his regeneration.

Among the earliest converts to the efficacy of sharp discipline in general, and penal air-grinding in particular, were the borough justices of Birmingham. Countenanced as they were by a Parliamentary committee, by the Surveyor-General of Prisons, by half the newspapers, by Dickens' satire, and by Carlyle's *donner-und-blitzen* eloquence, they were very little to blame. They were but acting in perfect accordance with the popular philosophy when they ousted Captain Maconochie, and proceeded to rectify his benevolent eccentricities by appointing a strict disciplinarian, duly instructed to adopt deterrent methods. Cranks they were already supplied with, for Captain Maconochie himself had used them. He maintained that neither on a free workman nor on a prisoner would any prejudicial effect be produced by barren labour, provided the one got his wages and the other his marks. The mark system is throughout a constant appeal to selfish motives; and it was the inherent selfishness of it which entrapped him into this fallacy. Still, in his discipline the cranks were comparatively harmless. To enhance the attraction of the upper stages, and to give a sharp stimulus at first, was his only object in making crank-labour the first step in the disciplinary scale. The number of revolutions he required could by industry be performed in a fortnight; and it was never necessary to resort to coercion, for no man, with his emancipation in his own hands, would choose to spend a longer time than he

could help in a solitary cell, bereft of all companionship but a crank-handle.

At the end of two years the public became anxious that the new governor should give an account of his governorship. There were rumours afloat which called for instant investigation. The sickening tragedy brought to light by the inquiry elicited a unanimous outburst of indignation from the whole country. The doctrines of the deterrent system had required, it seems, that a certain miserable lad should turn the handle of a stiff crank 10,000 times a day. Being unwilling, or much more probably unable, to perform the task, it was necessary, in vindication of the deterrent system, to starve him into submission. As this was found to increase both the unwillingness and the inability of the boy, it then became almost inevitable (as the deterrent system was on the verge of a break down) to strap him tight to his cell wall, for hours together, in the attitude of crucifixion. And when this failed to supply the requisite will (or muscle),—nay, rather to occasion deadly faintings,—then drenchings with cold water, as an immediate restorative and a further inducement to exertion, were superadded. The devices of the deterrent system were not even then exhausted, but the unhappy boy's powers of endurance were, and therefore he rendered further measures unnecessary by hanging himself. Other stories illustrative of the method of unkindness, nearly or quite as revolting as this, were raked up in the course of the inquiry, and not a few reminiscences of minor atrocities.

The barrister who defended the governor, when brought to trial, urged that "he was a most honourable and humane man, and had the greatest consideration for the prisoners under his charge; but that his position was a most difficult one: his prisoners were committed to him sentenced to ordinary punishment, and if they proved refractory, it was necessary that he should resort to some means of further punishment, which should enforce the discipline of the Gaol." In this defence, on the hypothesis that the poor suicide was at first, not feeble, but obstinate, there was considerable truth. The unlucky governor was really an honourable man after a fashion, and, though a fanatical martinet, not much below par in humanity. But he

was unfortunately set to work a system which obliged him occasionally, "with the greatest consideration," to drive a prisoner to suicide. As a rule, felons will submit to their hateful deterrent punishments, but the exceptions are numerous. Some men will rebel and resist, and force the felon-tamer to "some means of further punishment." And the duel between prisoner and gaoler once begun, will be grimly fought: the one, maddened and reckless, will struggle with blind beast-like fury; the other, put on his mettle and sorely irritated, will harden into ferocity. Such a conflict will almost always terminate either in the prisoner's victory, or else in his murder or suicide.

The melancholy history of Birmingham Gaol closes, after all, in a broad gleam of the ludicrous. Public indignation had died away, two years had elapsed, and the tragedy was almost forgotten, when a popular novelist uttered a great literary screech, which immediately revived the excitement. The said novelist has convulsive vigour enough to make any screech he chooses to give most remarkable, and accordingly people purchased by thousands the romance ("Never too late to Mend") in which his galvanized indignation was published. Mrs. Grundy said, that he had shrewdly calculated that indignation on such a subject would sell well; she hinted, too, that the entire episode in which the tragedy of Birmingham Gaol was resuscitated, was an afterthought, inserted to stuff out the novel to three-volume dimensions. Of course, the romance is a grotesquely absurd caricature of the actual facts; but the book will not have been quite useless if it helps to prevent the recurrence of similar events. From the final flare-up of vituperative anathema in the last chapter, the dazed reader was led to expect, that some signal deed of supplementary retribution would be performed by the author, outraged justice, and the British public; but, what gave rise to some little surprise, nobody seemed one penny the worse.

When the inquiry at Birmingham Gaol was over, it was found advisable to submit its prototype at Leicester, the model of crank-discipline, to a similar scrutiny. The second investigation was not much more favourable than the former to the deterrent system. It appeared that there, too, the felons and the felon-breakers had been driven into fierce collision. And if the inquiry

had been extended (as it well might have been), yet other prisons would have been found, in which gaolers and turnkeys had been forced to strange extremities, in their endeavours to coerce stubborn convicts into conformity with a radically pernicious system.

Of course the investigations at Birmingham and Leicester produced a reaction against the method of unkindness. Able editors, pamphlet writers, and members of Parliament, joined in one chorus of indignation at the unfortunate justices and gaolers, who had carried to their murderous (but strictly logical) consequences the principles which their critics themselves had preached only three years before. However, the nation has grown wiser by experience. Cranks and such-like contrivances are now to be found in but few prisons. When once it was demonstrated that they inevitably engendered either stupidity or ferocity, they soon fell into disuse. The doctrine that the religious reformation of the prisoner should be the paramount object, to which all the discipline in a cellular prison should tend, that to this object all other aims should be kept strictly subordinate, is now rising from the dubious position of a theory into the dignity of an established axiom. In the following chapter, an attempt will be made to assign to the cellular prison its true position in a complete penal system; and an opportunity will then be presented for discussing the reasons why the discipline of such a prison should be essentially religious.

Latterly the novelty of, and therefore the interest in, model prisons has passed away; and now they rarely form the subject of controversy. The committee of 1850 suggested the appointment, by act of Parliament, of a Board empowered to enforce one uniform system throughout the country. No act, however, was passed; and probably one would then have been premature. It seems, however, to be high time now that the sluggish justices in certain districts, who still persist in keeping up old hodge-podge Gaols, in which to breed criminals for the annoyance of the whole country, should be compelled by Parliament to adopt the system, of which the efficacy is at length so fully proved. An act to consolidate the bundle of prison-laws at present in force (which are by no means consistent with each other) is also

much wanted. When such an act is passed, it should provide remedies for certain defects in the existing administration of prisons. The chief difficulty will be, to effect a proper balance of authority between the central government and the local magistrates. To centralize, as has been proposed, the management of county and borough Gaols, by making a department of the Home Office a substitute for the justices, would probably be a disastrous experiment. In gaol-administration the justices represent the voluntary principle—a principle too valuable to be ignored. In this history (intended to be truthful at all costs) they have received but few compliments. Before the subject, however, is finally dismissed, as their errors have been sharply noticed, their counterbalancing services must, in all fairness, be fully acknowledged. Little would be gained by exchanging them for a new batch of Government officials.

By degrees, as the value of the separate system became apparent, it was widely adopted. It appears, from a return which was moved for in the House of Commons in 1856, that in about one-third of the prisons in England (120 in number) the system was fully carried out; in another third, partially; while the rest were either on the silent system, or else still in the old disorderly state. In the many prisons which have been built since then, the cellular construction has, without an exception, been adopted. By degrees, too, the different variations in the system are subsiding into approximate uniformity; and the form of discipline, which Mr. Clay was the first to fashion, is winning acceptance as the standard type. The prisoners at Reading are now set diligently to work; the masks, chapel boxes, and airing cages have long been abolished at Pentonville.[1] When a new prison

[1] At the present moment the discipline of Pentonville is very bad indeed. It professes still to be in accordance with the separate system, and attempts at intercourse are offences liable to punishment. Yet the prisoners are exposed to constant temptations to communicate with each other. To lay down a rule, make the breach easy, and finally, if possible, wink at the violation, is palpably a sure way to teach trickery and deceit. I paid the prison a visit a short time since, and my conductor took me into the school, where twenty or thirty prisoners were seated on a bench, each in close contact with his neighbours, learning to read. Many of them turned their heads round, and honoured us with their scrutiny while we remained. (The discipline of public schools is better than this.) Only two officers were present, both of whom had their eyes fixed on their books. If I am not mistaken, whispering was going on; there was certainly nothing to prevent

is built, an austere discipline is commonly at first adopted, but generally, after a little experience, it is modified into conformity with the pattern at Preston. In some places, of course, the separation is still more rigidly enforced than in others; but the arrangement of the chapel is the only subject on which any important difference of opinion still exists. Although it has been demonstrated that the boxes facilitate, rather than prevent, communication, and that they often almost neutralize the blessed power of the service, they are still retained in many prisons. However, even these are now going out of fashion: twenty years hence, if a menagerie-chapel is still to be found, it will probably be unique.

And here, for the present, the history of the separate system terminates. Based on the principle that it is possible to reform criminals, the gradual progress of the system has won for that principle a wider belief. A felonious hypocrite with his tongue in his cheek, gulling a rose-water chaplain, was long accepted by the British public as the symbol of religion in Gaols. But the faith of the minority, who believe on a week-day as well as on a Sunday, has at length somewhat prevailed; and the sceptics are now less confident and open-mouthed in their ridicule than heretofore. Moreover, the belief that there is a hope for prisoners has received the sanction of Parliament. The Prison Discipline Committee, before they parted, passed this notable resolution:—

"That the committee concurs with some of the most experienced witnesses they have examined, in the opinion that a great majority of convicted prisoners are open to the same good motives and good impulses which influence other human beings, and therefore that a system of encouragement to good conduct, and endeavours to inspire feelings of self-respect, self-reliance, and hopefulness for the future, which have been tried in some of our largest establishments, ought to be adopted, so far as is practicable, without impairing the penal and deterring character essential to any system of imprisonment."

There is a touch of the sublime in this resolution, which

the most burglarious conversation. And this was a fair specimen of the discipline throughout. I am not aware what moral effects are expected from encouraging the prisoners to cheat and stultify their officers.

almost rises to the height of the ridiculous. Were criminals an anomalous species of the human genus, a *lusus naturæ*, a race of Yahoos? It was a solemn question. The authorities were divided. Paley, whose works were text-books at our Universities, "feared that little was practicable in the reformation of criminals;" grave judges, able editors, popular novelists, and even "our philosopher, Mr. Punch," had endorsed the opinion. On the other side, there were only a few simple-minded chaplains, some enthusiastic Christians, and the Bible.

Upon so vexed a question, it was a relief to receive an authoritative decision. The committee's resolution is of immense importance. It marks an era in the history of penalogy. Hereafter, should the question again arise, whether criminals are incorrigible Yahoos, or men of the same flesh and blood as ourselves, and within the same pale of salvation, we can appeal to authority. Scriptural warrant for our sanguine belief we shall henceforth scarcely need. The felon has been pronounced salvable by an official decree.—Is it not written in a Parliamentary Blue Book?

From the Report for 1844.

". . . I submit the following sketch of [the routine of the prison], premising that the new range of separate cells—72 in number—was completed about a year ago; and that, as regards warmth and ventilation, the latter especially, the plans adopted have been perfectly satisfactory in their results.[1] . . . Every prisoner, on his arrival, is taken to the reception ward, and an officer enters in a book a minute description of his person, including his age, height, weight, &c. All property which he may have is taken from him; a list of it entered into the proper register, and the prisoner's signature, or mark, attached to the account. He is then placed in a warm bath, and, after undergoing a thorough cleansing, he is clothed in the dress appropriated to the class to which he may belong. His own clothing is washed and fumigated, and laid up in a well-arranged store-room, until he may require it again on his discharge. After leaving the bath he is examined by the surgeon (who attends twice daily), and is then passed to his proper department, if in health, or taken to the hospital if otherwise. . . . A prisoner under summary conviction is generally, but not always, taken to the work-room. Should he be of any trade—that of tailor, for instance—which can be exercised in the work-room or in a cell, he is employed accordingly; if otherwise, he is usually set to picking cotton. In the work-room, during the hours of labour, from 60 to 100 men are placed, under the constant supervision of a vigilant officer; and the strictest silence is maintained at all times, except when, the allotted tasks being completed, a prisoner reads aloud, for the benefit of his fellows, some proper book furnished for the purpose. . . . . The sentence of imprisonment following a conviction at the sessions is undergone in one of the new cells of the corridor. . . . . When the prisoner can read, the beneficial workings of the mind are much aided; and even where he

[1] The discipline of the prison was at this time in a transition state; I have omitted, therefore, all description of merely temporary arrangements. The distinction between solitary and ordinary imprisonment (see p. 164), recently introduced and soon after abandoned, was now in force, and considerably complicated the management of the prison.—ED.

cannot do so, the memory, and the conscience, and the feelings, seem to develop some of their latent powers, and to derive great moral benefit in their exercise. 'Everything that ever I did since I was a child has come back to me; and I see things now different to whatever I did before.' These words and others to the same effect are frequently used by prisoners, who, although unlettered, seem capable of reviewing the records brought back to their minds, and of profiting by the experience gained from them. Under the most unfavourable circumstances of ignorance, hardness, or levity, the irksome solitude may—and certainly does—fix in the mind a dread of liability to such punishment again. I have tried to converse with prisoners of this description, and have found the difficulty, the impossibility, of making myself understood, in regard to truths which are simple as they are momentous. The predominant, the only intelligible feeling manifested on such occasions is announced in these words, 'I know one thing! I'll never come *here* again!' And what more can be expected from creatures so ignorant as these!

"Dealing with such numerous varieties of mental constitution, it may be supposed that watchfulness and judgment must be constantly exercised. An unfortunate boy of fourteen, charged with a felony, showed from the hour of his committal great fear and excitability; and after his conviction, when the usual sentence of twenty-eight days' solitary confinement and a whipping had to be inflicted, his irritability became so excessive as to call for great circumspection in his treatment. The first step was to convince him that the law, and not the Gaol officials, had placed him in confinement; the next, to instruct him that these very persons, so far from wishing to cause him pain, were anxious to make him better and happier. This poor child could not read a letter; and therefore, and in consequence of his peculiar state of mind, he was supplied with work to which he had been accustomed (that of a tailor), he was carefully watched, discipline was mildly but firmly enforced; his efforts for self-control were encouraged; by the end of a fortnight he became calm, obedient, and orderly; and, at the termination of his imprisonment, was discharged, greatly benefited by the discipline he had undergone, and evidently sensible of the benefit. . . .

"Attendance at the chapel every morning, and twice on the Sunday, is *permitted*.[1] The convict is placed in a separate cell; but he leaves it to

[1] I say "permitted," for numerous incidental circumstances have concurred to show that prisoners regard absence from chapel as one of their greatest deprivations.

take his meals with other prisoners of his class in the dining-room. He is supplied with work, with a Bible, Prayer-book, and other suitable means of instruction; he is visited by the superior officers as frequently as practicable: his bodily and mental state are alike carefully observed, and measures are taken correspondent with any alteration that may be noted. Should his health appear to suffer in the slightest degree, or his mind to lose its proper tone, he is put occasionally to work in the open air, or employed in cleaning the corridor. And here it is to be stated that, except when in his cell, every prisoner is always under the eye of an officer; and that silence and non-intercourse are everywhere and at all times rigidly enforced. Prisoners convicted at the sessions do not constitute the only class under separation. Those awaiting trial (as already stated) in many cases request it. To soldiers under sentence of court-martial, and whose offences generally arise from dissipation and drunkenness, it is well adapted.[1]

". . . It will be seen from the details I have given that the discipline of this Gaol, although strict in itself and vigilantly maintained, is less strict than that of Pentonville, where the inmates never see each other, either during exercise or at worship, and where the term of imprisonment is much more prolonged. The circumstances of the two prisons are very different. At Pentonville, prisoners convicted of more serious crimes are undergoing a penitential and educational discipline commensurate with their offences, and with the depravity which led to them. At Preston, by far the greater number of criminals consist of such as are not systematic thieves, but of persons who, from ignorance, dissipation, or drunkenness, have been led *incidentally* into crime; and are undergoing, for the first time, the penalty following its detection. For such persons less rigour is requisite, and the period of imprisonment may be much shorter. . . . . Reformation, in both places, is the great object to be obtained; and if the less hardened criminal of Preston can, by comparatively milder treatment,

[1] When the popular feeling against flogging in the army became so strong, thirty or forty years ago, as to necessitate a partial abandonment of the practice, court-martials were driven to imprisonment as a substitute for the "cat." Consequently, many of the civil prisons were forced to receive large numbers of soldiers, to the great detriment of good discipline; for soldiers generally make turbulent and troublesome prisoners. Shortly after this time, however, military prisons were established, and the civil authorities in a great measure relieved from the charge of delinquent soldiers. Naval prisons also were soon after erected.—ED.

be restored to his place in society, a better and happier man, it would be equally unnecessary and cruel to resort to sterner discipline."

From the Report for 1845.

"Two important steps have lately been taken in respect [to our discipline]. The treadwheel has been entirely removed, and prisoners committed for trial are individually separated from the moment of their entrance into the prison. The treadwheel was first established in 1826, and certainly effected some little improvement on the previous system, as a means of deterring from future offence; but when views on prison-discipline became more enlightened, and the reformation of a prisoner became an object of greater solicitude than his punishment, it was found that the treadwheel was useless, or worse than useless. When the body was undergoing compulsory and painful exertion, the mind was irritated and harassed by the ever-present consciousness of punishment. . . . , Calm thought and penitent feeling could have no place under such circumstances. . . . . Having witnessed the introduction of the wheel, and so long deplored its inefficiency, I am truly grateful that I have been permitted to see its final abolition.

"The second point mentioned is the separation of untried prisoners. From the beginning of my connexion with the Preston House of Correction, I have felt that the great and almost insurmountable obstacle to my usefulness was the '*trial yard*'—*i. e.* the department in which *untried* prisoners were placed, to herd together, and to corrupt each other; secured in their demoralizing work by the operation of a principle which, out of respect to their theoretic innocence, permitted the guilty to concoct plans of further guilt, and doom even those who were really innocent to certain and speedy ruin. . . . . Could such a state of things be suffered to go on—in spite of the conviction that a remedy might be found for it by the *isolation* of prisoners from each other? In 1827, I ventured to assert that no system of prison-discipline 'could be generally efficacious, unless the influence of religious instruction was aided by the *individual separation* of the prisoners.' Every succeeding year's experience confirmed me in this opinion; but a change involving so many important considerations, however desirable in itself, is necessarily gradual and slow. It was not until 1840 that separate confinement *after* trial was resorted to, and then

under many disadvantages. The many evils of permitting the *untried* to associate still remained unremedied; and it became evident that, especially with regard to boys, no *after* discipline could stay the growth of the corruption which they had contracted even in a few days' exposure to that association. The necessity, then, for removing such evils could no longer be resisted: accordingly, in June, 1844, all *boys* committed for trial were at once placed beyond the reach of contamination; and in the summer of the present year adults were, for the first time, similarly treated. Doubts may yet linger in some minds about the legal propriety of these measures. The absence, however, of statutory sanction for them is of trifling consequence when weighed against the immense moral benefits which the prisoners, and therefore society, derive from them. Should it be objected, that to separate the untried is to punish them, and that punishment must not be inflicted until guilt is proved, I would reply, that a prisoner committed for trial must be either guilty or innocent—an adept in crime or a novice: if the former, separation is no injustice to him, for he has *no right* to be placed among those whom he would contaminate; if, on the other hand, the newly committed prisoner should be innocent, or unused to crime, he *has* a right to be protected from influences which would inflict upon him a horrible and irreparable injury. [He then proceeds to show the remarkable diminution already effected in juvenile delinquency by the abolition [1] of the trial-yard.]

". . . . I may have dwelt longer than was needful on some of the subjects treated in this report; but it could hardly be otherwise, when, after thinking and writing about them for nearly a quarter of a century, I have, at last, been permitted to witness the (I trust) final removal of the greatest evils in prison-discipline, and the vigorous adoption of a system which will, at least, deter from future crime many of those who are incapable of mental and religious melioration, and which yet possesses

[1] He discussed the question of separating untried prisoners at great length, in his report for 1848. "The gentlest and most considerate treatment," he wrote, "that could be devised for the accused, if it involved his safe custody within prison walls, would necessarily involve also a degree of restraint—coercion—punishment altogether inconsistent with the hypothesis of his innocence." If it was necessary in the present state of the law, he proceeded to argue, to inflict some injustice on a suspected person, it was right to make that injustice as slight as possible, and to this end to save him from the contamination which he must suffer, if forced, or *allowed*, to associate with other untried prisoners. —ED.

the means of warning, instruction, and reformation for all who can reason and feel. . . . . I do not mean to say that former times, in this Gaol, never produced a case of amendment; far from it;—the very cause which has ruined many has wrought a beneficial change in a few. *Men* more thoughtless than wicked, when turned into the 'trial-yard,' have been so astounded with the profligacy around them, so horror-struck at the loathsome aspect of human depravity when seen more nearly in its worst form, that their moral sense has been suddenly and permanently sobered by the shock. But with the *young* and inexperienced it has been otherwise. Unconscious of their danger, they have been allowed to approach the vortex of demoralization, and have been dragged into its depths without a struggle to escape. Is it not, then, matter for rejoicing that the spirit of wisdom and the spirit of compassion at length pervade our prisons?—I say of compassion, for society is called upon to deal with criminals whose faults have sprung, in a great measure, from its own neglect. When will it be understood that the mechanical attainments of reading and writing are no more education than the committing to memory a chapter from the Holy Scriptures is religion? It is a happy thing to find means, by Divine grace, of leading a few poor criminals into a better path, but it would be a much greater blessing so to train all the children of toil, that none should ever wander into the wrong one, and have to learn in a Gaol their first lessons in Christianity."

From the Report for 1846.

". . . It was once a truth so fully recognised as to become proverbial, that '*a criminal came out of prison worse than when he went in.*' To the young criminal the proverb bore a special application. His vicious education, begun in parental poverty, or neglect, or bad example, was completed in Gaol. Leaving that finishing school of crime, he carried out with him a spirit which contaminated the companions of his labour, or his idleness, and even the members of his family. He became a local centre and agent of demoralization. If unable to renew the associations which he had formed in prison, he organized new ones from fresh materials; he gathered round him a gang of idle or neglected lads, who, interested in his prison stories, and emulous of the heroes of them, without either parents or principles to save them from the danger awaiting them, soon became active in crime. . . . . So far back as 1831, when the population

from which they were derived was only 286,400, of sixty-four boys under twenty years of age indicted at these sessions for felony, thirty-seven were *associated in gangs*. In 1837, forty-four boys were so connected; in 1838, forty-two; and each group of young criminals comprised a leader duly qualified for his post by a previous training in Gaol. On conviction, the adept was transported, and his pupils sentenced to a short imprisonment, which sufficed, however, to complete their training in crime, and in due—*i. e.* a very short—time to render them ripe for transportation. It was thus that crime was propagated and punished, and a stream of demoralization poured into some of our most valuable colonies. I am unconscious of the slightest exaggeration in the foregoing statement. For more than twenty years I have seen a House of Correction operating as a seminary of sin; and wherever the association of prisoners is permitted, there the work of corruption is still going on! But if I have often deplored my inability to stimulate attention to the subject, and procure a remedy for the evil, I have, at last, the satisfaction to know that whatever lingering or caution there may have been in moving along the path of reform, the authorities of this Gaol were not only among the first to recognise the necessity for abolishing association among convicted prisoners; but, as I believe, were *the first* to take the most momentous step ever yet taken in prison reform, by sanctioning *the individual separation of the untried*. Let us look at the result of this separation, and we shall find the moral condition of the discharged prisoner *now*, in most happy contrast with what I have attempted to describe above. The prisoner is not now dismissed from his confinement with an imagination heated by the tales of successful plunder which he has heard in "the yard," and with a determination to rival the exploits of Turpin and Sheppard. Now, instead of exciting others to crime he is himself desirous to forsake it. He has no stories for his acquaintance redolent of the treadwheel and trial-yard; but when he speaks of prison, he speaks of stern, but wholesome, restraint; of friendly admonition, of the good thoughts which came into his mind when alone in his cell, of his grief for the grief he has caused to those who loved him, of his penitence for his fault, of his prayers for forgiveness, and of his resolution, by God's grace, to sin no more. . . . .

"[After referring to the good accounts received from the police concerning forty-two out of sixty prisoners liberated from separate confinement]

I have yet further evidence in support of the views I advocate, which, if not more convincing than what I have already brought forward, is perhaps more interesting,—that of the prisoners themselves. During the process of self-examination which a prisoner, capable of exercising it, must undergo in his cell, he is encouraged to review his past life, and to trace to their source his faults and sufferings. Many of the prisoners have availed themselves of this encouragement in a way which, while useful to themselves, will be, I think, also useful to those who inquire into the mental and moral state of the labouring classes. They have written, and sometimes dictated to me or to the schoolmaster, short narratives of their lives, their delinquencies, their self-convictions, and their penitence. Of these narratives I possess a volume consisting of more than 300 folio (MS.) pages; and it is scarcely too much to say that while evincing the beneficial process going on in the writers' minds, every page illustrates a history of which we are yet too ignorant,—the actual social and moral state of our poor fellow-subjects. Yet the native strong sense of the Anglo-Saxon character shines through almost every tale of temptation and sin, and must add to our regret that such materials for building up 'a great nation—an understanding people,' should lie neglected and exposed to influences equally injurious to their physical and moral state. We see them, boys or men, as they appear at one period, sinking beneath the moral evils which, sometimes surrounding them at their birth, sometimes involving them afterwards, too often beset their position in the *world;* and again, after a time of chastening, we see them prepared to occupy a better and happier place in the community, their mental and religious capabilities having been developed in *prison!* . . .

"Within the last year an improvement has been made with regard to the *dress* of the prisoners. From a very early period convicts under sentence of imprisonment were distinguished by a costume of red and yellow, and those under sentence of transportation by one of blue and yellow. To many of the prisoners such a dress was a great and useless aggravation of punishment, and must have militated in some degree against the disposition of mind which it was our endeavour to induce; while at the same time it intimated to all the prisoners the nature of the offence for which each one was incarcerated. The dress now for all classes is grey, with such slight distinctions as are equally inoffensive to the eye and the feelings, and are only intelligible to the officers.

"Before dismissing this subject, I would beg it to be remembered that the discipline here was instituted and is continued as an *experiment*. Based, like that of Pentonville and Reading, upon what I am fully convinced is the essential principle of a reformatory system—*encellulement*—separation; it differs in some not unimportant particulars from the plans pursued in those prisons, by permitting the prisoners to *see each other* at exercise and during Divine worship in chapel. After three years' trial of this mode of treatment, and considering the results as detailed in the present Report, I presume to recommend its continuance. The great, if not the only, objection to the prisoners seeing each other on these occasions, is that it may lead to *future recognition:* and that an ill-disposed offender may attempt or drive again into crime another who may be endeavouring to live honestly,—that a malicious criminal may denounce a reformed one to the master who has given him work, and so procure his dismissal from his situation. I admit and lament the possibility that such things *may* occur. But there are recognitions equally, if not *more* injurious to a reformed prisoner's future welfare which *cannot* be guarded against. To say nothing of the practice which cannot, without a great sacrifice of time and convenience, be dispensed with, of swearing the jury to a great number of arraignments at the same time, the dock being sometimes crowded with prisoners,—each individual prisoner, on taking his trial, is exposed to the gaze of hundreds of spectators; most of whom are idle or profligate characters, attracted to the Court House by sympathy with the accused. The recognition of the prisoner by these persons is unavoidable, so long as justice is administered publicly; and the probabilities of such recognition are much more numerous than those which relate to fellow-prisoners. But the recognitions most prejudicial to a reformed prisoner take place when, at the expiration of his sentence, he returns, as most prisoners do from this gaol, home. There he is recognised by all his former profligate associates; who, having so far escaped justice, or having been made more wicked by prison association, are much more likely to tempt him again into crime, than the former fellow-prisoner, even should he meet with him, in whom wholesome discipline and reflection may have wrought a good work; and from whom he is more likely to find encouragement in well-doing than in sin. And again, recognition even by those of his own rank who have borne comparatively good characters may be—*is*,—prejudicial. Too often their

pride or ill-nature, their sarcasms or ridicule, drives the liberated prisoner from the situation which a wise and kind master, cognisant of his past misconduct, but with faith in his future steadiness, may have placed him in; and causes him to incur the temptations which accompany idleness or distress. I have known injurious consequences from this kind of recognition, but never from the recognition of one who had been a fellow-prisoner under the separate system. But, it may be said,—the prisoners see each other in chapel, where they are seated so closely together that communication may take place, though it cannot do so at exercise, where they are separated by intervals of nine or ten yards. I believe the arrangements in the chapel render communication among the prisoners impracticable; and such is the earnest and unfeigned attention to the purposes for which they are met, that I feel assured there is little or no inclination to attempt it. Besides, the prisoners assemble and meet together 'for *common* prayer;' 'with *one accord* to make their *common* supplications' unto Him who 'pardoneth and absolveth all them that truly repent.' Does this association in prayer consist with complete local isolation? And is it not desirable, whenever it can be done, to cultivate congregational feeling? As a congregation the behaviour of the prisoners in this Gaol is not merely decorous but exemplary: it is a weekly and daily test of their power of self-control, an evidence of their soberness of thought, if not of their pious feelings. It is a proof that when gathered together to worship God, they may be freed from almost all restraint but that of their reverence for Him. Their meeting in chapel is a privilege (and I know it is highly esteemed) which I *never see abused*, and to which I think they are entitled so long as they manifest such a full and grateful sense of it. I have always considered and urged that the great objects to be accomplished by the individual separation of prisoners were the abolition of all intercourse among them, and giving them opportunities for self-examination and the cultivation of better feelings; but if, in addition to these views, it is deemed right to enforce isolation at exercise and in chapel, in order to prevent the possibility of future recognition; then, I submit, it is necessary to go much further, and not only to screen prisoners from each other and from the public, when put upon their trials, but, on their discharge, to send them to neighbourhoods where they will not be known.

"I feel that there are other points in this matter deserving of con-

sideration. The prisoners here, unlike those of Pentonville, are *suddenly* taken from the agitation of common life, and after a certain period *suddenly* thrown into it again. Both changes must have a powerful effect on ordinary minds. Take the case of a railway labourer. His removal from coarse associations and pleasures and great personal liberty to a state of perfect external quietude and restraint must produce a great mental effect, sometimes irritating, sometimes depressing the spirits. But as the first unpleasant effects of an efficacious medicine are followed by restoration to health, so the moral remedy in this case, though at first distressing, eventually induces better and happier feelings. The desired effects of his treatment become visible in the prisoner; his dormant intelligence awakes, the Divinity stirs within him, he is born again to a higher and more spiritual existence, a sober calm settles upon his heart, and his cell is no longer a dreary and unfruitful solitude. But he has now to return to his former life, to his active labour, to his unthinking, if not brutal, companions; and *without any intermediate step or preparation.* Here is a second change as great as the former one,—and more critical. Now, I think that the first change is alleviated, and that the preparation is made for the second, by the daily view which a prisoner has of his fellows, undergoing the same treatment which, even if he does not feel it, he is assured is intended to benefit both himself and them: his proper gregarious feelings are kept alive, and he is better prepared to resume his place in the world than he would be if isolated entirely, and up to the moment of his liberation. And I must say, that even with the daily habituation to the sight of each other, the mental and physical state of separated prisoners requires careful attention. Few can conceive the nature of those feelings which bring daily tears from eyes that never wept since childhood, and prompt the disturbed or penitent sinner to lay open to his minister a mind which it is almost awful to contemplate!

"Such, in short, is cellular discipline when applied to the subjects I have described—to those who have been brought suddenly from active life to be suddenly restored to it—that, convinced as I am of its extraordinary power in producing, by God's grace, amendment and reformation, I am yet unwilling to recommend a more rigid application of it, by depriving prisoners of the view of each other either when at exercise or when engaged in 'common prayer.'"

From Report for 1847.

"....Adopting the main principle of individual separation, other and minor features of discipline are different in different prisons. In the Model Prison at Pentonville, where separation is enforced in its fullest integrity, a course of superior religious instruction is combined with instruction in a trade. To the attainment of these important objects twelve or eighteen months can be devoted, so that the prisoner on his removal as an '*exile*' is qualified, in every sense, to begin a 'new life.' In the prison at Reading, where '*encellulement*' is also most strict, the prisoners are employed '*in nothing but education.*' In the Glasgow Bridewell the paramount aim of the plan pursued, is the self-maintenance of the establishment.[1] Here, in Preston, while the personal discipline is severe enough to deter such as give no hope of something better, our chief efforts are used to produce permanent amendment of character, by rousing into life and action the religious principle originally planted in the breast, and never altogether effaced. Order, cleanliness, and obedience, are enforced to a degree which must be most irksome to persons accustomed only to irregularity and dirt; two hours of active exercise, daily, preserves the bodily health, and keeps up elasticity of mind: instruction in reading, writing, arithmetic, &c., is given—and received—as a valuable privilege: work is supplied to all—except when compulsory idleness is inflicted for breach of prison rules,—and the value of regular occupation thereby taught;—and those who can exercise their trade in a cell, are permitted to do so,—a boon which is most highly valued. The prisoners assemble for daily and Sabbath worship, under circumstances which make them regard the Holy service as the greatest solace and advantage of their condition. Fully recognising, as we do, the importance of instruction, and communicating it as far as possible, it must be remembered that the great majority of prisoners come to us with minds to which the limited period of their confinement will scarcely permit the conveyence of much

[1] According to the last report of Frederick Hill, Esq. Inspector of Prisons, it appears that while the earnings of 503 prisoners (exclusive of work done for the prison), in February last, amounted to nearly 150*l.*, the *recommittals* within the year exceeded 28 per cent. In the Manchester New Bailey, in which, unlike the Glasgow Bridewell, there are no means of separation, the recommittals in a year are under 20 per cent. My impression has ever been that in proportion as economy or profit is aimed at, the probability of reformation is sacrificed.

technical learning. Yet though there may not be time, in a two or three months' imprisonment, properly to cultivate any capacity for letters, opportunities may be seized for awaking whatever good feeling or tendency may exist, or for reviving some holy impression given in childhood. Our prisoners may be ignorant to a lamentable degree of the merest elements of evangelical doctrine, but there are few of them on whose hearts a law is not written which, they know, forbids lying, blasphemy, drunkenness, and such like; and most of them are still capable of filial and parental affection. It is by appealing to this knowledge and this affection, that we strive to render fruitful the short time available for the purpose. We are aided in our endeavours by the prisoner's separation from all influences which might counteract it. In his cell he has no temptations from without; and many salutary monitions from within. Active memory collects and brings before him 'everything that ever happened to him since he was a child;' reflection traces painful consequences back to their sinful causes; the sense of sin and the sorrow for it succeed; he is directed to Him who bore our sorrows and atoned for sin; then rises up the prayer for pardon—*that* is followed by the consolation which answers prayer; and when about to leave the scene of his probation, and try the stability of his new impressions, he says, in a voice which does not permit a doubt of the sincerity of his intentions—'By God's help I'll be a different man for the future.' Here, then, are such symptoms of reformation as justify the belief that a great change has taken place in the criminal's heart; and of the permanency of such change we have numerous and most satisfactory proofs. When the time allowed, or the disposition of the prisoner, will not permit us to hope for reformation, his fears of being again subjected to the severe discipline of the cell, or the yet more severe discipline of the work-room, may *deter* him from such conduct as would expose him to it. The intimation that this inferior—deterring—principle has taken hold, is also evinced by the language used on leaving us—'I'll take good care I don't come *here* again!' A declaration even like this, shows an immense advance in the science of gaol discipline; and if the promised 'care' be really observed, society will profit by it. But looking only to the external quiet of the community, I am satisfied that the deterring motive produces much less benefit than the reformatory principle. Two men, both parents, quit the Gaol: the one reformed—purposing, influenced by the love of God, to lead

a new life; the other, only deterred, merely determined to keep his evil inclinations within safe limits. Which of these men is the more likely to preserve his children in the right way? to promote order and good living among those within the reach of his example? We never hear from the merely deterred parent, what is often said by the reformed one —'I'll show my children a different example to what I have done.' Here are some of the 'prison thoughts' written down in a cell:—'I find in the second commandment that all the sins of my children rest on my shoulders. O! would to God that I was with them! If it should please God to restore me to them, my wife will find as much enjoyment in one month as she has found in twenty years. Now you see *it has not done good to me only, but to my wife and children*, should it please the Almighty to let me live until I go to them again.' A deterred criminal is only a more cautious one, and the history of his prison sufferings, told to his companions, will have no better effect than to excite them to the practice of greater cunning. They all flatter themselves that by using more circumspection in their dishonest courses, they may still pursue them safely; and when they discover their mistake they call themselves '*unlucky*.' 'I'll not come here again'—betrays, at least, a compromise with duty. Whatever errors there may be in these views, the *Chaplain* of a Gaol will have every apology for thinking that a reformatory course of discipline is most likely to be effectual in lessening the amount of crime: it certainly is best for the criminal, and, I believe, for the community.

"The services of the chapel are, by the Divine blessing, greatly instrumental in bettering the feelings and principles of the prisoners: and it will, I think, be conceded that nothing of a deterring character should have place there. The chapel brings, now, the acceptable hour—the welcome and interesting occupation which relieves the severe monotony of a prisoner's daily life. I wish the chapel service—and especially that of the Sabbath, to be so consolatory, so agreeable, so necessary to the prisoners, that participation in Divine worship, begun under compulsion, may be continued ever after from choice and affection. I would, therefore, have the chapel present, as far as practicable,—even in the minutest particulars—the appearance of a well-ordered church; so that some who enter it may be beneficially reminded of the Sundays of a more innocent and happier time; and that many may be so trained, during imprisonment, to the observance of Sabbath duties, that they may resort, when at

liberty, to their own house of prayer, with hearts still grateful for the comfort received in a similar place, and at a time, when almost everything else spoke sorrow and disgrace.

"I submit these observations in support of the argument introduced in my last report, in favour of dispensing with the cellular arrangement in the *chavel*, which forbids the feeling of *social* worship, and shuts out that contagious emotion which spreads through, and softens, a *congregation;* and to which the mind could not afterwards revert, with that feeling which it is so desirable to create.

"I must advert, for a moment, to our modification of the separate system —which consists in permitting the prisoners to exercise, and attend the chapel service, in sight of each other—for the purpose of pointing out this advantage in it—viz. its adaptation to *boys* as well as to adults. Two hours' brisk exercise daily, preserves their bodily health; and, being taken in company, though without communication, keeps also their minds in vigour. At Wakefield 'the boys were put in close confinement at first; and afterwards, on their suffering from debility and contraction of the joints, it was obliged to be relaxed, and the boys were permitted to play at leap-frog and other similar recreations.' In the Juvenile Reformatory, at Parkhurst, it was also found necessary to resort to the same rather anomalous course in order to obviate the effects of excessive *encellulement*. The most satisfactory proof exists that the Preston system is safe for boys . . . .

"Having, on several occasions, represented what I conceive to be the advantage of making—except in some special cases—three months the minimum term of imprisonment,—especially if, when sentence is pronounced, the *reformation* of the prisoner be held in view,—I presume, now, to press this point more formally. On the supposition that the powers given by a recent act, which permits summary proceedings in trifling cases of felony, will be generally exercised in such cases, and proportionally short terms of imprisonment be assigned,—offences tried at the sessions may be considered of a graver character, and as authorizing heavier sentences. With regard to boys—neglected, ignorant, vicious,—it is seldom that any good impression can be made on them by a treatment of less than three months' duration. I would add, too, that, with scarcely any—if any—exception, all the evidence recently given before a Select Committee of the House of Lords on the execution of the criminal

law is opposed to short imprisonments. On the other hand, I fully concur in the opinions of those experienced persons who would not extend *separate confinement* beyond 12 or 15 months.

"The circumstances of our Gaol, during the last year, have incidentally shown that, with many characters, periods of separation, alternated with periods of labour in the open air, may be given, not merely with safety, but with decided advantage. The works carried on in the Gaol found employment for 30 or 40—sometimes for 80 men. These men, working under a superintendence which made intercourse—and still more contamination—impracticable, suspended their labour to attend the daily prayers, and to wash themselves before their meals, which were taken in their cells. Here, then, was combined labour—made all the more agreeable and wholesome, because it had a visibly useful object—with cleanliness, daily prayer, and total separation for some hours of the day, and all the night. The effects of this incidental modification of discipline have been satisfactory. The bodily health thus promoted has communicated a healthy tone to the mind; and many of the prisoners who had no spirit of systematic profligacy to be rooted out, have given proofs that, for them, it was not so much that strict *encellulement* was needed, as the preservation from contaminating agency, uninterrupted time for thought, and daily religious exercise and instruction.

"Much and well-merited attention has been lately given to the plan for the treatment of criminals, proposed by Captain Maconochie, and known as the 'Mark system.' Under this, offenders would be sentenced, not to a term of imprisonment, but to the performance of a certain amount of labour; which, it is thought, would excite industry and perseverance. After a probationary period of solitary labour, the prisoner will be associated with five or seven others; and, his idleness or exertion affecting not himself alone, but his whole class, he will be habituated to the *social* life to which mutual good-will and dependence are essential. Captain Maconochie derives the leading idea of his plan from the Archbishop of Dublin; who, in his 'Thoughts on Secondary Punishments,' has recommended the 'requiring of such criminals as are sentenced to hard labour, a *certain amount of work*:—permitting them to exceed this as much as they please; and thus to shorten the term of their imprisonment.' Perhaps, however, Paley was the first who 'would measure the confinement, not by duration of time, but by quantity of work, in order both to

excite industry, and to render it more voluntary.' Paley's plan, however, differs from the 'Mark system;' inasmuch as it supposes the 'separate confinement of prisoners.' My experience induces me to concur with Paley. I dare not trust six or eight persons in any class or association which leaves conversation free; for I can conceive 'the desire of liberty' —on which Captain Maconochie's views are based—stimulating to exertion and industry, and yet permitting a demoralized spirit to remain uncorrected; and such a spirit in one of a class would communicate a taint to the whole. I believe it to be beyond human power *safely to classify prisoners*. And the 'Mark system' presents this objection—when an offender is set to *work* his way out of prison, it appears to me that his thoughts must become almost exclusively fixed on the allotted task. The predominating desire for liberty, and the means pointed out to him for obtaining it, have no tendency in themselves to produce a moral and religious change. The prisoner's mind is necessarily and entirely fixed on the future, when he is striving to gain his liberty;—he must be led to fix it on the past, if his repentance and reformation be desired. I by no means undervalue such qualities as industry, perseverance, and forethought:—it is of the greatest consequence that they should be developed and exercised,—for the want of them often involves men in crime: but nevertheless, we sometimes see them employed by vicious men to compass vicious ends. It is well known to all conversant with prisoners, that the systematic, professional rogue, exhibited, under the old system of prison management, more of these very properties than other men did, whose offences had borne more of an impulsive character. While, however, I should be unwilling to *substitute* the 'Mark system'—the appeal to industry,—for the separate confinement which promotes reflection, and self-examination, and provides the means of religious instruction,—I think that *after* a prisoner has given such evidences of reformation as may satisfy belief in its reality, the 'Mark system' may advantageously follow; and even such association be permitted as would guard against the possibility of contaminating conversation."

From Report for 1848.

"It is only natural that I should think favourably of the discipline which I have been, to a certain degree, instrumental in establishing; and which, to all appearance, has been attended by a marked reduction in committals

and recommittals. How far that reduction should be considered as the *consequence* of our system of discipline, I will not now venture to assume. But that an unparalleled diminution in committals to the sessions has *followed*, almost exactly synchronizing with, the improvements in our plans, cannot be denied. The falling off in *re*committals may be measured: not so *first* committals. We cannot estimate the number of those who would have been corrupted had the prison *virus*, formerly scattered by every liberated felon, still continued to flow. The *gaol fever* which, on two or three occasions, burst through gaol walls, taking a terrible vengeance for the neglect which gave birth to it, was nothing to the moral pestilence perennially carried among the ignorant and thoughtless by every person discharged from gaol companionship.[1]

"Whatever good results have been obtained in the Preston House of Correction, I attribute not so much to the confinement of the separate cell as to the complete and effectual abolition of every kind of prison intercourse. Whether in the separate cell, or in the 'work-room,' the prisoner is thrown upon his own thoughts and reflections, undisturbed by a word or look from his fellow-prisoners. He is safe from every bad example, or mischievous distraction, should his thoughts be penitential; and debarred from the possibility of corrupting others, should they be evil.

"Considering, then, that non-intercourse is the essential *principle* of prison discipline, there can be no doubt that the separate cell supplies the securest and happiest *means* of carrying that principle into effect. In our work-room non-intercourse is established with an effect not to be estimated by those who have not seen it. The rule, enforced with untiring vigilance, which controls alike hand, eye, and tongue, is irksome, perhaps stern, but necessary—necessary to the integrity of the system of non-association, and, so far as regards *that*, salutary to the prisoner. But in every way the work-room is an inferior instrument to the cell. In whatever we would desire for the prisoner, in regard to instruction, reflection, self-examination, and, above all, prayer, the cell has greatly the advantage. The admonitions of the Governor, the teaching of the Schoolmaster, the

[1] It is a fact that committals to these sessions increased, under a vicious system of imprisonment, from 302 in 1838, to 620 in 1843 (the latter number is exclusive of the Chartist rioters). Had the vicious system been continued instead of being abolished, what reason can be given why the same rate of increase in committals should not also have continued? Had such been the case, instead of 343 indictments at the sessions last year, we should have had 1,270!

exhortations of the Chaplain; the daily contact between irresistible but mild authority and the declining spirit of insubordination, the interview between the messenger of peace and the disheartened rebel,—the operation of benevolent and superior minds, in fact, upon misguided and inferior ones;—these meliorating influences, almost entirely precluded by the work-room, are immensely aided by the cell. But all the benefits derived by a prisoner from a month's *encellulement*, modified even as it is at Preston, would be destroyed by an hour's conversation with a fellow-prisoner. I am persuaded, from what I have seen, that prisoners may be taken from their cells and put to out-door labour, in sight of each other,—the possibility of intercourse being guarded against,—with great benefit; but I am equally persuaded that to relax the law of non-association, even under the most favourable circumstances of character or conduct, would be injurious, if not fatal.[1]

"Having spoken of the decrease in committals which, at least, has followed the introduction of better discipline, I proceed to show the measure of that decrease. . . . . The criminality in North Lancashire has decreased to a much greater extent than in any other English county. But the five years in which the reduction took place, included a period (1843) which was productive of more criminality, as regards this neighbourhood, than any former year; and was also the last *whole* year of imprisonment in association being permitted in this Gaol. In the summer of 1844, by the separation of untried *boys*, the most momentous and merciful step was taken, which the history of prison discipline has to record; and in 1845 the same beneficent treatment was extended to men. I would compare, then, the last four years of a well-established reformatory system with the previous four years of a vicious, or imperfect one. Our calendars show, in the first place, that juvenile male offenders, of sixteen years old and under, have diminished from 213, in the four years ending June, 1844, to 135, in the four years terminating with June last; a decrease sufficiently satisfactory, when it is remembered that it has been

[1] Two young men, entire strangers to each other, and from distant parts of the country, after being in separate confinement for some time, and after giving satisfactory proofs of improvement, were discovered in an attempt to communicate by writing. The written communication spoke only levity and bravado; and what better could have been expected from oral intercourse? But the mischievous attempt being nipped in the bud, both young men served out their sentences; and since their liberation have given gratifying proofs of complete amendment.

effected through unusually bad times and a rapidly increasing population: . . . the transportation of male offenders, under seventeen years of age, has decreased from fifty to sixteen; and of male offenders between seventeen and twenty years, from seventy-four to twenty-six. Transportation, as respects males of all ages, has been reduced from 259 to 123. With respect to sessions cases generally, the decrease in the four years of sound discipline, from the numbers tried in the four years preceding, amounts to 850; the annual average of the four earlier years being 537, and of the four later years 325.

"The effects of prison discipline would be little short of miraculous, however, had we to record no cases of failure. As long as human nature retains its liability to sin, good resolutions will give way before temptation; and relapse into crime must follow. Eight such instances of relapse have been brought under my notice during the last year, and eight *only*, from among the great numbers who have been, for more than four years, restored to liberty, from time to time, after a *first* imprisonment under proper discipline.

"The evidences thus produced of abatement in crime, should not be received, I may be told, without some reservation. Many offenders, it may be said, though not returning to us, may find their way into other prisons. True: but we have no reason to suppose that this has taken place to a greater extent latterly than it did formerly. I have reason to feel assured of the contrary being the fact; for the interchange of information relative to prisoners has been so well organized among the governors of the Lancashire prisons, and those of the neighbouring counties, that such instances are immediately known. Besides, the actual decrease of committals to the prisons of South Lancashire precludes the idea that they have been much affected by the influx of delinquents from this division.

"But I have now to submit some direct evidence of the good which has followed imprisonment in this place. [The reports of the police on the conduct, after discharge, of 152 prisoners, are quoted. This number did not form the whole of those discharged, only those who, after separate confinement, expressed their intention, on liberation, of returning to their homes. The summary of reports was as follows:—not found, 32; no better and uncertain, 34; improved, 13; reformed, 73.]

"The 'reformed' appear in the proportion of 48 per cent. to the whole

number inquired after; and, setting aside those 'not found,' in the proportion of nearly 61 per cent. In each of the two preceding years, this latter proportion was between 48 and 49 per cent.[1] . . . . After four years' *full* trial of the system, I am still surprised, most gratefully surprised, at the effects wrought by it. They can only be appreciated by those who witness them. After having been encouraged by the favourable issue of many cases which, at first, I had considered as giving no encouragement, other cases have presented themselves subsequently, which seemed to shut out all hope. In these the prisoner, notorious, perhaps, for a long course of reckless depravity, has appeared so ignorant, so sullen, so incapable of good impressions, that I have thought, however successful, under Providence, we may have been with other men, nothing short of a miracle can work a change *here!* But the change has been effected. The dogged or turbulent glance disappears; the countenance undergoes a change beyond all feigning; it bespeaks a disposition subdued, peaceful, cheerful; except, indeed, when words of kindness or sympathy from the governor or chaplain touch the springs of good feeling, and the full heart finds relief in tears. I may be excused, then, for declaring, emphatically, that our discipline has produced results far beyond my most sanguine hopes. Having seen what our system *was* for more than twenty years, I am as much astonished at, as I am deeply grateful for, the results accomplished in a few years of more wholesome rule; results which show that the work has not been unblessed by Him who '*is not willing that any should perish, but that all should come to repentance.*'"

Circular Letter to the Magistrates of North Lancashire.

"House of Correction, Preston, March 20, 1849.

"SIR,—At the kind suggestion of several magistrates, who are desirous to keep up the reformatory discipline of this prison, I beg respectfully to submit to you some of the facts and reasons which render me anxious for the success of the motion to be made by Mr. Addison at the Adjourned Annual Sessions on 4th April next.

"I would state, in the first place, that the present chapel will only hold

[1] Year after year his reports contain a record of the increasing success of the discipline: but it would not be worth while to reproduce more than this specimen.—ED.

about 160 male prisoners—and that number is too great for either proper ventilation or proper discipline. During the last six months male prisoners have seldom been less than 300, and they have sometimes exceeded 340; so that from 140 to 180 have been excluded *daily* from the appointed chapel service, and from one of the services on the Sunday. By the proposed addition better accommodation will be provided for 450 men and boys than is now given to 160.

"Whatever difference of opinion may exist as to whether prison discipline should be mainly directed to punish—to deter—or to reform, every one admits that it is necessary to check the growth of criminality and to attempt the reformation of criminals. The severest—the most vindictive—treatment of prisoners has never involved a refusal of their claims to whatever benefits might be conferred on them by Christian correction, warning, or consolation. In England, indeed, since the time of Howard, both public opinion and a wise legislature have ignored such sentiments as were once expressed by the phrase, 'Vengeance of the Law.' When religious teachers were called to minister in Gaols, the proceeding at once admitted the duty of society to attempt the recovery of its outcasts, and implied a hope that such attempts might be sometimes successful.

"The wish to supply religious instruction to prisoners seemed, in England, to precede all other ideas for the improvement of penal systems. Chaplains were appointed to Gaols, as their sole spiritual charge, twenty years before other steps were taken necessary to give due effect to their endeavours. About six years ago those steps were taken here; and since then our general discipline has acquired a character calculated to deter those incapable of reformation, yet securing to the better minded every advantage to be found in the almost constant attendance on them of a person anxious for their souls' health. The results of this improved discipline have been, under Providence, as striking as they have been gratifying.

"Should it be said that some of these favourable circumstances are caused by agencies operating *out* of prison, I would refer to the direct and independent testimony of the Superintendents of the County Constabulary, and of clergymen resident in the neighbourhood, for proof of the good effected *within* the prison. It is they—not I—who affirm, that of the prisoners tried at the sessions, and returning to their former homes after the expiration of their sentences, nearly 61 per cent. have become more or less reformed.

"It cannot be denied, then, that the improved system enforced here has had satisfactory consequences. But it may be said that those consequences are due to the admirable general discipline—*the separation* and *the silence*. I admit that *without* separation and non-intercourse, a chaplain's efforts would be comparatively fruitless; but, on the other hand, it has been clearly shown that separation and silence, unrelieved by the benign influence of religion, is worse than fruitless—positively injurious. This must be obvious to any one who will carefully consider the subject—the minds we have to deal with, their utter want of cultivation—of exercise in everything good—the need they have for guidance to what is safe and wholesome, and for warning against what would be mischievous.

"All this, perhaps, will be conceded—but with the suggestion that religious feelings are best roused by private admonition. No doubt individual visitation is, in all cases, desirable, and in many absolutely necessary. But how can such visitation be given to even 300 prisoners only? Nine hours devoted daily to this work alone would but secure for each prisoner ten minutes' attention *weekly!* Besides, private admonition does not bring with it the peculiar benefits of regular participation in congregational worship. In his cell the prisoner is often inclined to converse on subjects which, though proper enough in themselves, are rather beside the great object of a chaplain's visit. In the chapel, on the other hand, he is gradually won to an interest in the service; he is in a better position to yield himself up to penitent and prayerful thoughts. It is here that the conscience of each individual is more free to respond to the general warning or exhortation. It is here, I know, that the religious principle—dormant perhaps for years — once more manifests vitality, and is roused into permanent action. Ignorant as prisoners may be, they can be made to comprehend and fear the Divine denunciations against such sins as drunkenness and Sabbath-breaking; the thoughtless become thoughtful; the stubborn give way; parents are persuaded to think of their neglected children, children of broken-hearted parents. Tears are shed. When memory and conscience are thus stimulated, the emotion becomes contagious, and the softening of one heart helps to remove the hardness from many others. But the impression once made should not be suffered to fade; the advantage must be followed up; the work of the Sunday morning must be strengthened in the afternoon. The success of the effort to teach prisoners depends on the effort being continuous. "Precept upon

precept, and line upon line,' are, if possible, more necessary to prisoners than to children. But, by interrupting the course of their attendance in chapel, they are deprived of a privilege which they estimate greatly, the kindling spark is quenched, and one who might have been saved is lost!

"It should never be forgotten that one of the most unhappy faults of the poor is Sabbath-breaking. Nearly all the sad autobiographies, of which I possess some hundreds, mentions this sin as a leading one. Is *any* irregularity in this respect to be sanctioned in the very place intended for an evil-doer's correction?—at the critical moment, too, when he is becoming conscious of the blessings he has neglected in neglecting the Sabbath! The same histories which refer to profaned Sabbaths as a great cause of crime, refer also to the prison chapel as the place where conscience or penitence was first felt. I never visit the cells without being earnestly requested by their inmates that they may be allowed to attend *both* services on the Sunday. Who will not desire that means should be taken for making such a request unnecessary?

"In order to give the fullest information on this subject, I would state that the week-day services are *connected*—consisting, chiefly, of successive passages from Scripture, and short practical commentaries upon them. It is evident that broken attendance on these services must lessen both their interest and value. Few persons can imagine the deep attention given by the prisoners to such a portion of sacred history as that of 'Joseph and his brethren'—nor the consequent religious advantage sacrificed by baulking their wishes to hear the whole details of the touching narrative.

"I am not unconscious of the prevalence of an opinion that 'a parcel of rogues and vagabonds' are unworthy of this excessive solicitude. I venture to affirm, however, as a minister of Him who came '*to call sinners to repentance*,' that what is objected in bar of our sympathies constitutes the strongest title to them. It is *because* prisoners are careless or wilful wanderers from the right way that nothing should be left untried to reclaim them.

"But, again, with regard to the class of persons principally to be found in this prison, a good deal of misconception exists, which it is proper to remove. We have very few of the hardened rogues who make thieving a profession. The greatest part of our inmates consists of thoughtless and ignorant persons led into offence incidentally — from sudden impulse, drink, or temptation. Most of the men have families and honest occupations, to which they will return on their liberation; and many of the

young, also, have parents and homes—not of a disreputable kind—awaiting them. Our prisoners, in short, may be regarded as representing the great mass of ignorance and disorder which remains untouched by humanizing influences;—as a portion separated, for a time, from that mass—to be returned to it again. In what state, as to intelligence and religious feeling, would you wish them to be returned? Will you be content to replace such a *treasure* as a human being in its former position *with nothing gained* during the whole time you have had it in charge? If so, Mr. Addison's motion will be negatived. But if you reflect that prisoners may leave the Gaol—as hundreds have left it—not only preserved from deeper demoralization, but fully convinced of their responsibilities as parents and Christians—and made therefore, in God's hands, a blessing where they might have continued a curse—then you will not decline to make the means of Christian instruction in this Gaol commensurate with the increased claims for it: for I would, respectfully, beg it to be understood that it is not proposed to incur expense for *new experiments*, but only to keep in a state of efficiency that reformatory discipline which has acquired for the Preston House of Correction a creditable place among the improved prisons of the country; which place, however, must be lost if the powers intended to be applied for should be refused.

"One more point remains to be explained. It may be asked, 'How comes the prison to be so full, if committals to the sessions have so much decreased, and the reformatory-discipline has been so effective?' The reply is, that since the introduction of that discipline, we have received prisoners with whom, formerly, we had little or nothing to do:—viz., from Lancaster sessions and assizes — from the borough of Wigan — debtors from the new county courts — and soldiers under sentence of court martial: '*transports*' are now also retained under 'probation,' who were, formerly, removed soon after sentence. These classes amounted this morning to 107 of the whole compliment of 347. Again, prisoners sentenced to long terms at our sessions were formerly sent to Lancaster Castle: they are now kept here: in 1841 they amounted to 109. Prisoners—natives of Ireland—are more numerous than natives of our own division of Lancashire. To-day they amount to 140. These circumstances will account for our large numbers, and serve to show, at the same time, that were we only receiving, as formerly, prisoners usually resident in North Lancashire, the state of the House of Correction at

Preston would be equally creditable to its own discipline and to the population of this part of the county.

"One word, in conclusion, as to the objection on the ground of *expense*. I respectfully suggest that—as part of our system—the services in the chapel have had some influence in bringing down sessions' cases from 620 to 300, and transportations from 77 to 24. It would, therefore, be, eventually, a most costly economy which, by leaving this branch of our discipline insufficiently provided for, should, to a certain extent, permit committals again to increase, and render sentences of transportation more frequently necessary. *Sixty additional committals to the sessions, or seven sentences of transportation, would involve a greater expenditure of money in one year than the proposed enlargement of the chapel, which, in all human probability, would serve for the next twenty or thirty years.*"

From Report for 1849.

"... The public is not satisfied. Objections are urged and reiterated —as to the expense of the separate system—as to its want of adequate penality—its inefficiency; that it neither deters from crime nor succeeds in reforming the criminal. It is said, too, that the *reformation* of the criminal (the chief good contemplated by the advocates for separation) '*is only of secondary importance; the object which is of vital importance is, that punishment should be effectual for the purpose of example, and as a means of deterring from crime.*'[1]

"As the *chaplain* to a Gaol whose entire efforts should be devoted to the

[1] Speech of Sir James Graham, June 10, 1847. Sir James Graham formed his conclusion, that separate confinement neither deters nor reforms, from the trial of it made at Perth, and from the opinion expressed by the Lord Justice Clerk, who says:—"We constantly see, in the Court of Justiciary, persons who have suffered imprisonment in the general prison (at Perth), for eighteen months or two years, on whom the discipline and instruction of the prison have been entirely thrown away, and who return to crime immediately or soon after liberation." A gentleman visited our prison some months since, who is, I believe, officially connected with the superintendence of the general prison at Perth, and whose name is still more honourably connected with numerous benevolent undertakings for the benefit of the working classes in Scotland. During his visit, which was a hurried one, his attention was attracted to the *earthenware* water-pans with which our cells are furnished; learning that those conveniences were *never* broken by the prisoners, he expressed great surprise at the fact, and informed me that such was the wanton or malicious destruction of similar things in the Perth prison, that the authorities were obliged to substitute iron pans through the whole of the cells. I may be pardoned, I hope, for thinking that this fact indicates a kind of discipline, from which neither a deterring nor reforming effect can be justly expected.

welfare of the souls committed to his care; as a minister of that Christianity whose AUTHOR has declared that '*there is joy in the presence of the angels of God over one sinner that repenteth*,' I cannot concur in the assertion that the reformation of a criminal is secondary to the 'policy' most certain in practice 'to deter from crime, and to operate as an example.' Indeed, it appears to me that not only is a lower object proposed for attainment in this policy, but that making the treatment of the imprisoned criminal mainly subservient to the deterring others from crime, involves some risk—if not of doing evil that good may come, yet of foregoing the best means of reformation, in order to satisfy what the penal and exemplary principle may seem to require. Supposing the repression of crime to be the good sought for—whether by a deterring or reformatory process—the experience of this Gaol justifies me in saying that criminals, particularly of that class which most demands our solicitude, have not merely received no augmentation to their number, but have undergone a very considerable diminution, by our acting less upon the deterring, and more upon the reformatory view. For twenty years, boys convicted of a first crime were sentenced to be whipped; the punishment being intended to deter *them* from repetitions of their offences, and the hundreds of other boys, who heard the sentences passed, from venturing at all upon evil courses. But the examples failed in both respects. Whatever might be the fear of incurring such a punishment again, or at all, existing in the minds of the once-sentenced, or the never-sentenced, it did not countervail the vicious confidence of escape and impunity which impelled one to continue, and the other to embark, in a career of crime. And even when this confidence was soon found to be illusory, and the sentence of transportation followed a second offence, even this necessary severity failed to operate as a deterring example; and boys continued to crowd into the prison as if emulous (and I know that very many of them, '*glorying in their shame*,' were so) of the base notoriety which a sentence of transportation conferred upon them. In the two years ending with June, 1843—the last two years in which whipping was resorted to, as the regular and best practice, and in which transportation was so much needed—71 boys were tried, and 29 were transported. In the two years ending last June, when no whippings took place, only 41 boys were tried, and *only four* sentences of transportation were passed on 'juveniles.' The efforts to reform, by the aid of separation, even when

unsuccessful, ensure at least this great advantage to the imprisoned—and more especially to boys—*they are not made worse* by their imprisonment; and when they *do* relapse into crime, it is owing to bad example, or harsh treatment at home, rather than to any positive failure in our prison-discipline. When, during the time that imprisonment in association was permitted, a boy re-entered the Gaol charged with theft, he was generally accompanied by two or three recruits whom he had enlisted into the ranks of crime: *now*, if he comes back to prison, he comes back *alone*, driven again into sin, not by a love of or indifference to it, but by causes which make him more an object of pity than of severity. A boy of seventeen, in writing an account of what had led to his second committal, after stating that his employer had discharged him, continues—'My parents thought I had run away, so they turned me out again. I then went up and down until I was forced to steal for want of food; but I did it secretly. I took no companions with me.' The case of this unfortunate boy is, evidently, not one in which the want of reformatory success is to be charged against our discipline. He does not quit the Gaol, after a first imprisonment, 'worse than he entered it,' but 'with some notion of duty, a remembrance of suffering, a hope of being somewhat better.' 'At first (he writes) I thought I'd be honest, and for a day or two after I got my liberty I said my prayers.'

". . . . When separate confinement was first introduced as a system into this country, public feeling was opposed to it, in no slight degree. The '*solitary*' cell was held up for disapprobation, not merely as being too severe, but as driving its miserable inmate to insanity. In the course of time, however, the cell was regarded more favourably; its special worth as a prime agent in promoting a criminal's moral amendment became pretty generally admitted; and one of the able and powerful exponents of general feeling—tacitly sanctioning the cell—distinctly advocates the duty of aiming at the reformation of the culprit. 'The military code, and its more permanent development in feudalism, cut the knot very easily by treating all breakers of the law with as wild and summary a vengeance as if they were enemies in the field. Christianity has ever struggled with imperfect success against this profanation of justice. It has taught the sacredness of human life, the worth of a single soul, *the preference of reformation to punishment*, and other ideas which, after many centuries, are now beginning to be acknowledged.'[1]

[1] *The Times*, June 14th, 1847.

"But these humane 'ideas,' thus eloquently and warmly encouraged were soon chilled by a cold blast from the very quarter which had promised to cherish them. The changeful *Times*, ere long, took a view of reformatory attempts altogether different from that which it had entertained a few months before. People who had allowed themselves to be persuaded of 'the worth of a single soul, the preference of reformation to punishment,' were now laughed at as—'very excellent persons who conceive that the visitation of the law should be *reformatory rather than penal;* and that young ladies and gentlemen who have employed their precocious talents in "prigging" pocket handkerchiefs, snapping at purses, and hocussing, or who have ascended to the culminating point of forgery, should be provided with a genteel retirement, good books, and pious chaplains, at the public expense, and after a probation of a few years, emanate into social life again with purified morals and improved health. There are three great objections to this treatment, and, we think, formidable objections. The first is, that it is very expensive; the second, that it is in the greatest number of instances wholly inefficacious; the third, that whether inefficacious or not, it is wholly unjust. A model prison, with all its appliances and contrivances, costs for each prisoner, annually, more than would keep a couple of agricultural families.'[1] Such tones, breathed by one of the great dictators of opinion, checked the hopes of those who, having practically and anxiously studied the subject of prison-discipline, had begun to consider the question as almost settled in favour of reformation, as the object of the discipline and separation, as the best means to that object. The public, finding that crime does not diminish as quickly as might be wished, at once accepts the assertion that the separate system is, 'in the greatest number of instances, wholly inefficacious'—unmindful of the slow progress of sound education, which still permits ignorance to foster crime; unmindful, too, that the stream of vice has sources in the old system of association in prison quite sufficient to account for the full and pestiferous tide which yet pollutes the country. No one can expect that any system of imprisonment can, by human means, be successful in every case. But it is an assertion altogether opposed to facts, that the measures adopted in 'separate' prisons are in the greatest number of instances 'wholly inefficacious.' Clever

[1] *The Times*, Feb. 24th, 1849.

'leaders,' such as I have quoted, are calculated to give erroneous impressions, and to create a strong disinclination to sanction any expenditure on a system which is so unhesitatingly pronounced a 'failure' by a voice so authoritative—though abundant evidence of success would repay a little fair and earnest research. As to the *expense* of carrying out the 'separate system,' even if it were true, which it is not, that 'the good things lavished on thieves, rogues, vagabonds, and harlots, cost for each prisoner annually more than would keep a couple of agricultural families,' it should be remembered that a single thief, in ordinary practice, costs the community six or seven times as much as he does while receiving all the care which can be lavished on him when subjected to the process intended, if possible, to amend him. 'A thief costs the community 150*l.* a year while at liberty. In prison this may be reduced to 20*l.* or 30*l.*[1] But if reformation cannot be effected, one or other of these charges must continue during his life. . . . Reformation is cheap at any price." [2] Having in my last report endeavoured to show that a saving of upwards 22,000*l.* has *followed* the introduction of the *cellular* treatment in this prison, it is unnecessary to dwell upon the subject now. I would say, however, that I am far from placing the large sum I have named solely to the credit of the effect wrought by our discipline. I am aware that within the period embraced by the last five years, there has been a decrease of criminality throughout the kingdom, and that certain offences also—such as bigamy and burglary—have been withdrawn from the jurisdiction of the Quarter Sessions; but I venture to maintain, that after all allowance is made for these circumstances, there will be more than enough to show that the cost of providing means for the effectual working of the separate system has, already, been amply repaid.[3]

[1] The *entire* annual cost per head, in the Preston House of Correction, is 16*l.*, which is reduced, by certain repayments, &c., to little more than 11*l.*

[2] *Edin. Rev.* for July, p. 13.

[3] Excluding the "Central Hall," the cost of the new corridor brought into use last Christmas, was 62*l.* per cell. For the whole of England and Wales, the diminution of crime in the five years ending in December, 1848, as compared with the five years ending December, 1843, is under four per cent. The decrease, for the same period, as evinced by committals to this Gaol, is nearly thirty-seven per cent. The Act which took away the jurisdiction of Quarter Sessions in cases of burglary and bigamy, came into operation in June, 1842; but how little that act affected our sessions is proved by the fact, that in the following year our calendars were fuller than they had ever been previously. Again it appears, from Mr. Redgrave's summary, that the decrease in *transportation* of the latter five years as compared to the former, in

It has been repaid, in respect only to the items of prosecutions and prison maintenance, to say nothing of the cost of transportation—nothing of the amount which might have been levied by unreclaimed thieves. Let the cost of attempting their repression be contrasted with the cost inflicted by them in the pursuit of their calling. The borough of Liverpool is about to incur the former by building 1,035 separate cells, at an expense (probably) of 120,000*l.*—a very large sum, certainly, to be laid out in the punishment, or cure, of evil-doers. But in the same borough are 1,270 thieves whose residences are *known* to the police, and whose plunder cannot be estimated at less than 200,000*l.* a year.[1] Unfortunately, however, there seems to be less reluctance to submit to the irregular and partial, but enormous, taxation, levied by illegal hands, than to the comparatively small and necessary rates demanded by justice and prudence for the repression of crime.

". . . . Some years ago I expressed an opinion that separate confinement exercised a self-adjusting power, adapting itself as a severe restraint on the evil disposed, and as supplying invaluable means of improvement to those of better minds. Even with regard to the same individual, it inflicts punishment while it encourages amendment. But I have seen, in hundreds of instances, that, at a certain point, the cell loses much, if not all, of its penal character. In proportion to the prisoner's mental and spiritual improvement, the sense of punishment passes away. He declares that he is 'very contented,' that his prayers have procured for him peace of mind, and that, were the choice in his power, he would choose to be alone in his cell, with his books and his work, in preference to association with other prisoners. I have seen hundreds of instances in which I have been fully assured that such statements as these are substantially true. But when 'encellulement' has effected results like these, and the desire to amend has been more successful than the will to punish; when, in fact, punishment is no longer felt, are we, in order to satisfy the feeling, or principle which demands punishment, to contrive some means by which it shall be kept up? It would be difficult to do so,

England and Wales, is twenty-four per cent., the decrease in respect to transportations at our sessions, for the same time, is forty-nine per cent.

[1] This may seem a startling calculation; but an inquiry, at the instance of the Liverpool Municipal Council, made some years ago, led to the conclusion that the annual contribution forced from the town, by thieves, was about 700,000*l.*

even if we were to disregard the great risk of interrupting the culprit's progress in the right path. Considerations of this kind show us that there are, probably, more obstacles in the way of vigorously maintaining a deterring or exemplary process than of supporting reformatory influences; but perplexities and difficulties will, for some time to come, surround the question of convict discipline; though fortunately for Gaol chaplains, they are for the consideration of the public and the Legislature rather than for *them*. *They* can have, and ought to have, only one object—the moral reformation and religious welfare of the evil-doers committed to their care. They have nothing to do with any severity inherent in the general discipline of the prisons to which they are attached. The prison rules may speak with cold austerity, but the chaplain's voice must be friendly. To warn and to console, to awaken to a thankful conception of the Pity which entreats the wicked man to '*turn from his evil way*,' to a trust in His love who '*came not to call the righteous but sinners to repentance*,' —this is the vocation in which a Gaol chaplain must labour; and it is on the fruit which, by God's help, his ministry has been instrumental in producing, that he must chiefly report to those who have appointed him to his office.

"And, as regards this '*fruit*'—I cannot conceal from myself that there is more or less of an indisposition to believe in the reformation of criminals by any means resorted to in prison. 'When all the teaching, training, solitary confinement, and conversations with the chaplain are at an end, how few of the inmates have derived any benefit from their discipline, except that of adding to vice cunning, and to cunning dexterity.'[1] Such sentiments as these are read and relied upon by the public without either inquiry or consideration; and yet a very little of the latter might suggest that whatever 'cunning' a prisoner may have learned from the discipline described, it is assuming rather too much to declare that 'dexterity' also in one of the 'benefits' he has received. A thief's dexterity is generally derived from example and practice; and under the systems which allow the association of prisoners, he has abundant opportunity of learning from both; but it is difficult to conceive how cunning and dexterity—the latter at all events—can be encouraged by constant separation from evil influences, or by 'conversations with the chaplain.' Chaplains have

[1] *The Times*, Feb. 24, 1849.

much to contend with besides the ignorance and depravity of the misguided beings under their care; but they would pursue their humble labours with none the less of steadfastness and hope were they spared such comments as I have quoted. Lest it should be thought that I make these observations more with reference to chaplains personally, than in regard to the main question of prison-discipline and prisoners' reformation, I would have it remembered that when the religious teacher was called to minister in prisons, the proceeding not only admitted the duty of society to attempt the recovery of its outcasts, but implied an expectation that the attempt might sometimes be successful. Yet when success is announced, the announcement is met by the sarcasms of incredulity, or by a direct denial of facts. The great majority take their impression of the matter from the tone of a brilliant 'leader,' dashed off, on the demand of the moment, by a writer who perhaps never spent five hours in a reformatory prison, rather than from the statements of persons who have given twenty or thirty years to the anxious study of the question, in the only place where it can be fully comprehended. I repeat that it is but scant justice and poor encouragement to require that the minister of religion shall exert himself to recal wanderers and outcasts to a better way, and yet to ridicule his endeavours and express doubts as to his success, when he declares that, under God's blessing, success has been achieved.

"'*Cuique in suâ arte credendum est*,' and I presume to claim any privilege which the axiom confers with respect to prison-discipline. For nearly thirty years the subject has constantly occupied my time and thoughts; and believing myself, after such experience, to be in a position entitling me to speak with some confidence, I desire to state, with whatever emphasis may be permitted to me, that the system of separation, as carried out in the Preston House of Correction, has, by the Divine favour, produced consequences as decidedly beneficial as could be expected by any one fully acquainted with the difficulties of the task undertaken—consequences far beyond what I dared to hope for before the system was tested. Something better, however, than general assertion may be justly demanded on this point; and I would, therefore, offer, in the first place, the test supplied by the *rate of recommittals*, a test than which I can conceive nothing more decisive." [Statistics are given to show that recommittals under the old system at Preston were nearly four times as numerous as under the new. Most of the relapses were after short imprisonments.]

"I am solicitous to have it understood that when I urgently recommend *separate* confinement, as the essential element of prison treatment, it is only because separation clears the way, more effectually than any other means hitherto devised, for the unimpeded operation of religious influences. Without these the cell would be not merely a useless, but a demoralizing cruelty. Remembering the mental and moral condition of the great bulk of our offenders, what would that condition become if delivered over entirely to the working, in solitude, of its own debasing tendencies? The inmate of the cell has, perhaps, lived—as too many do live—only in his animal instincts and appetites, and even in the depravation of *them*. Possessing no distinct apprehension of his eternal destiny, without the slightest knowledge of a Redeemer—of His power and love—born and bred in utter blindness to his spiritual state, *now* he feels his blindness, and, groping for light, can only obtain a glimpse of the flame which is 'never quenched.' Such a man as this—and I have seen too many of them—cannot *think*, he merely *remembers*—sometimes with horror, sometimes with wicked gratification. Should he strive to think, to comprehend his situation, the causes which have led to it, the consequences yet to follow, the attempt is unavailing: powers which, even if possessed, were never exercised, can render no service *now*. Sooner or later a mental blank or a mental anarchy succeeds, ending in sullen stupidity or wild despair. That this is no overdrawn picture will be acknowledged by every one who knows the history of solitary confinement as first tried in the United States. But the separate cell, which, in the absence of religion and her humanizing power, was a curse, becomes, with her presence in it, a blessing. Her minister enters it, assists the sufferer in giving discipline and coherence to his feelings and conceptions, presents to his exhausted mind food for hope, and to his conflicting passions the prospect of peace. He unfolds the consoling truth that

> ——"'All the souls that were, were forfeit once;
> And He who might the 'vantage best have ta'en
> Found out the Remedy.'

He persuades the downcast criminal that '*God is not willing that* ANY *should perish.*' He persuades him that, even now, he is an object of the Divine compassion, and that his repentance will cause joy among the angels of Heaven. The value of the cell is now manifest. Though it can never *originate* reformation, it is a sure *promoter* of it. In a former

state of things, a religious thought or resolution, formed while attending the chapel service, but carried thence into a crowded yard, was soon overpowered by brutal ridicule or ribaldry; or if a prisoner's religious impressions were, in reality, strong enough to maintain themselves against the surrounding profligacy, he found it necessary *to his personal safety* to conceal his sentiments. He had to practise a new hypocrisy, and to assume the appearance of depravity which he inwardly loathed. Often, in those times, believing that I saw in a prisoner's manner something to encourage, I have spoken a word of exhortation, and as often I have been answered, in a kind of half-sullen, half-desponding tone, 'It's no use trying to repent *here*.' Since the commencement of cellular separation I have spoken such words in a hundred instances for one instance in former times, *but I have never met with the same answer*. It is in the cell that '*the gift of repentance*' is made most acceptable. The cell *cannot* contaminate; it can and does effectually preserve from the corrupting influence of evil example: it affords abundant leisure and free scope for the operation of conscience, and for pondering the truths taught by the Gospel: it suggests—nay, it often compels—prayer, and secures privacy and respect for the utterance of it: and—to my mind, the most striking and gratifying contrast with what I have for so many years unavailingly lamented—it gives to the prisoner many solemn and uninterrupted hours for inwardly digesting what he may have learned in the daily and Sabbath services of the chapel. It is clear, then, that the cell, though useless, if not injurious, unaccompanied by Christian ministrations, is the best auxiliary which the Christian teacher can possess in a prison."

From Report for 1850.

". . Of the cases enquired into I will here particularize but two. The first exemplifies the evil results when society refuses, to one who had been an evil-doer, credit for good resolutions and amended life; the second shows that no man, whatever he *may* have been, should be regarded as a hopeless instance of depravity, so long as he is possessed of common understanding and feeling. 1. J. C., aged twenty-five, belonging to a class much above that which generally supplies our prisons, after a reckless and dissolute course for some years, committed an offence for which he was sentenced to twelve months' imprisonment. For a long time he remained

impenetrable by all better thoughts, and to all appearance we had to contend with a morose and resentful mind, dwelling only on what he conceived to be a *technical* injustice in his conviction. The change came at last, however, and we had, besides the improvement in his general demeanour, incidental and unexpected proofs that 'a new heart and a right spirit' had been granted to him. He left the prison, followed by my anxious hopes, and a few months afterwards I made him the subject of *special* enquiry, the reply to which is in these terms: 'After leaving Gaol, this young man obtained a good situation in Liverpool; but a person with whom he had lived in B——, having heard of it, went or wrote to his employers, and in consequence of the information so given he was discharged. Since that time he has been living here idly, frequenting public-houses, and having no visible means of subsistence, being shunned by his connexions. It would be well, if the world will not take more pains to prevent crime, to exercise some Christian feeling to those who have escaped from it. If we have culpably allowed the prodigal to depart, the least we can do is not to reject him when he comes back penitent. 2. The second case alluded to is that of A. S., aged twenty-eight, a labourer, with a wife and two children. This man's former life and habits may be inferred from the facts that he has been more than twenty times imprisoned, that one of his brothers is transported, and that another was killed in a prize-fight. A. S. himself was undergoing his fifteenth imprisonment *here*, when, entering his cell one day, I said to him, hardly knowing what to say to such a man, and intending to pass on, soon, to other prisoners of more promising character, 'Well, A——, when is it to be the last time of your coming here?' He answered in a tone which immediately arrested me, 'This shall be the last time, sir.' 'You never made such a promise before. What has happened to put this good thought into your head now?' 'Ah, sir, I shall not forget the third of March.' 'What happened then, A——?' 'What you told us about that poor woman trying to drown herself and her three children, through her husband's bad conduct, spending all his wages in drink. I've been just like that man, but, by God's help, I'll be different for the future.'[1] I need not say that I remained much longer in

[1] See the *Times* of Feb. 21st, 1850. On the Sunday but one following I spoke to the prisoners on the terrible consequences of drunkenness, and read to them the affecting report which produced such an impression on A. S., making such comments as were suggested by the knowledge that, in one way or another, the story touched almost every prisoner,—man, woman, or child present. It held

A.'s cell than I had intended, and I left it at last with the thankful conviction that here, again, the almost extinguished spark was kindling; one chord in this rude instrument was still capable of a true vibration, and might serve to bring the whole into harmony. The Governor shared my hopes, observing that certain qualities strongly marked in A. S.'s character, but which, ill-directed, had hitherto made him only more dangerous, viz. great boldness and inflexible determination,[1] would now under the guidance of better principles, enable him to resist successfully the dangers of old companionship, and so greatly conduce to his moral safety. Since his discharge,—now upwards of seven months—A. S. has justified our hopes of him. Shortly after his liberation, the *races* took place, a circumstance which, formerly, he had always seized upon as offering abundant means for gratifying his propensity to drink and riot. On this occasion, though his old companions endeavoured by every means to lead him off again, he was enabled to maintain his good resolution. The chief constable of the borough in which A. S. lives concludes a statement relating to him, with which he has favoured me, by saying, 'It is quite true that A. S. went (out of his depth) into the Lune after a drowning man, but not being able to swim, did not succeed in saving him.'

". . . There are a few individuals in the general body of criminals truly 'more sinned against than sinning,' to whom all the severity and suffering which a prison like ours could impose, would bring no change for the worse, but rather for the better, when contrasted with the still severer suffering which was their ordinary lot;—just as voyagers in the arctic seas have welcomed the waves, when washing over them, as an acceptable relief from the more terrible rigour of the icy wind! I speak now, not of the utterly destitute and unsheltered—the friendless and fatherless; it *is very rarely that they appear in the felons' dock*—but I speak of those young transgressors who have parents and homes! Two brothers, the elder about thirteen, the younger nine, were committed, a few weeks ago, charged with obtaining money by false pretences. The committing magistrate having expressed, at the time, his fears that their offence was attributable to their father's ill conduct, I ascertained, subsequently, that those appre-

up to almost every married male prisoner in the chapel a mirror in which he might see, with little or no exaggeration, the dark features of his own past conduct as a father and husband.

[1] For a short time he was in the army; but, *determined* to procure his discharge, with his own hand he drew almost all his front teeth.

hensions were too well founded; that the father grossly neglected his children, *leaving them for days together without food; and that they had committed their offence in order to procure it.*' On putting my usual series of questions to the younger boy when received into our custody, I found that, although utterly ignorant of every thing which he ought to know, he was, like other children of his class, quite familiar with the history of Dick Turpin and Jack Sheppard. I asked the poor child, 'Who told you about Turpin and Sheppard?' 'My father.' '*What* did he tell you about them?' 'Why, *he told me they robbed the rich for the poor.*' Is this a case for the application of severity? Again, a man in constant employ on the railway at good wages, but one of those described in my last report as drunken and *brutal* fathers, received an injury, while in a state of intoxication, which was quickly followed by *delirium tremens* and death. Our own surgeon to the Gaol was called in to the case immediately on its occurrence. During his visit a female neighbour observed, 'It was only last night he (the sufferer) turned his wife out of doors, and she sat by our fire all night.' Now, one of this wretched man's children was then in prison for a second felony, and two younger children, a boy and a girl, had also been convicted of felony! These consequences of parental depravity are common, and are not to be wondered at; but the question is—since, at present, there are no other means of putting the children of such a father into a better way than a prison provides—is it the *punishment* of the prison they stand in need of, or the application of some influence which they have never yet felt, and which is better calculated to *correct* that to which they have been long accustomed? Even where vicious training, or positively bad example, cannot be imputed to parents, children are driven into crime by treatment which, as showing the want of those affections generally regarded as inherent to human nature, will to many minds be astonishing. A boy of seventeen, under sentence for felony, dictated the following. '. . . I have worked at six or seven different mills. The last I worked at turned out and I got thrown out of work. My mother and brother and sister were always taunting me, and I was very unhappy. I heard that they wanted one or two hands at the Liverpool factory, and I went. I started off on Friday, and had to walk without a halfpenny or a morsel of food with me, and they (at home) would not give me any. When I got to Liverpool the vacant places were filled up, so I came back on the Saturday, in the same

condition as I went. I got home about one o'clock on the Sunday morning, and fainted at the door, as I reached it, for want of food. It was near three o'clock before they opened the door, and then I fainted again on the floor, but they would give me nothing, and I went to one of my comrades and got something. I should never have seen through it but for my comrade's mother. With being out of work I got into bad company, and I met with a man seeking work on Monday, and we did the offence for which we are here now." I have frequently seen and spoken to the mother of the boy whose short story is here given, and of which she admits the general truth; yet she is a sober and most industrious woman, a widow struggling under many difficulties to maintain herself and a sick daughter. She admitted that her son was 'a good, steady lad,' and that when in work he gave her all his wages.[1] That distress and privation sometimes render people indifferent to the sufferings even of those most near to them, is only too plainly shown here. My present argument, however, is, that there are instances of delinquency arising from causes which forbid us to regard it as demanding, primarily, *punishment*. I will only adduce one more example of juvenile crime provoked by parental severity, compared to which any prison severity that public opinion, in its angriest mood, might demand, would be a trifling infliction. I quote from the MS. of a boy who has been taught to read and write in this prison, only amending his spelling: 'I do not want to say that my father was a heavy drinker, but I say this, my father is one that is of a bad temper. . . . . A neighbour woman came in one night and told my father that I had killed their cat. As soon as the neighbour went out, my father got a rope and made a knot at the end. Then I was bid to strip myself. Then my mother went out, for she could not 'bide to see my father beat me, for she knew *what sic a one it would be*. I think it was the worst I ever had from my father. I was in bed a week; my father had to carry me in his arms to the doctor. I was about nine years old. The third day my mother was dressing my wounds that my father had given me, and the neighbour came in, and said that the cat had come into the house about half an hour since. Then my father said he would never beat any of us any more. . . . When I arrived at fifteen years of age,

[1] By the aid of some valued "operative" friends a situation was obtained for this boy immediately on his liberation, and his subsequent conduct has been most satisfactory. He lives with his mother, his wages being the chief support of the family.

my father said that he had tried all ways that he could, but it was of no use. . . . I was *turned out of doors*.'[1] And then—the old story,—privation, temptation, and crime.

"Now I submit that the process of '*correction*' for faults traceable to such causes as are laid open in these short histories, and in hundreds of similar ones which have been made known to me, does not so much require severity and punishment, as the application of means to rouse into conscious existence the hitherto dormant qualities proper to humanity. I do not stop to inquire whose fault it is that such means, in the cases now under discussion, have not hitherto been applied, but to ask whether, as it may not yet be too late, they should be applied *now*? Are the children of neglect always to think that no one cares for them? Is the wretched creature who has met with little else than blows and imprecations, ever to be permitted to know that the human voice can speak in kindness as well as in curses, that the human hand can encourage as well as strike?[2] that, if 'a collar round his neck, and a cart-whip flourished over his back, were what the gods would have appointed him,'[3]—those 'gods' were *false*—and their reign is over?

"In the endeavour to form or improve the characters of prisoners it is obviously required that we should cultivate, even in respect to those who have fewest demands on our commiseration, whatever is necessary to their condition as responsible beings,—to their condition as members of a civilized and Christian community. We have to impart right motives, to quicken faculties, to warm affections, to induce—it may seem strange to say this of convicted felons—self-respect; all of which things, though so far uncultivated or choked, are nevertheless susceptible of development, and therefore *ought* to be developed, even though the work is to be done in prison.

"In this Gaol, therefore, while the *punitive* principle has, I think, been duly satisfied by the individual separation, the compulsory silence, the perpetual sense of restraint and the perpetual exaction of self-control, the *corrective* one,—in nothing opposed to the other, though tempering it,—has appeared to us to sanction the bringing to bear every humanizing

[1] I have received a confirmation of the above account from a source which assures me it "*is all quite true.*"

[2] Few can conceive the softening effect wrought on a *separated* prisoner, when, in speaking the "word in season" an *encouraging* hand is laid upon his shoulder.

[3] Carlyle's "Model Prisons."

influence not absolutely inconsistent with the treatment of persons undergoing penalties for infractions of the law. These influences we believe to be found in regular, sound, and interesting instruction in things temporal and things eternal; the practical inculcation of those blessings which attend the proper exercise of bodily and mental industry, and above all others, of those yet greater blessings which, after a season of *'godly sorrow,'* sometimes of long and painful struggle, descend upon the hearts of the truly penitent. It may, certainly, appear anomalous that a prison,—a place of disgrace and punishment,—should, under the new views of the time, be a place of bodily, mental, and spiritual melioration. But the real anomaly is, that the place of disgrace and pain should have to do for a certain portion of our fellow-creatures what *ought* to have been done by institutions of a very different kind: that Governors and Chaplains, and Schoolmasters of Gaols, are expected to cure—at a great expense and with no little labour—a few specimen cases taken from that great mass of moral disease which a Christian community, conscientiously alive to its duties, and providently alive to its interests and safety, would never have permitted to grow to such a head.

"I have already stated that the experiment of giving instruction to the prisoners, in classes, has been successfully tried, and it now only remains shortly to speak of the *mode* of instruction, and to show some of its results. Prisoners who have a comparatively short time to remain—say from one to two months—receive lessons on the plan devised by Mr. Mimpriss. . . . By this method, the great—and to many the insurmountable—difficulty of learning and using the alphabet being avoided, the learner is practised from the very first in *reading* the combined characters placed before him in simple but *interesting* lessons. He quickly learns to recognise the *words*, and gradually, and without the irksome effort otherwise necessary, acquires a knowledge of the power of the letters. To a *prisoner* the very great advantage of this method is, that even if he should eventually prove incapable of learning to read, he acquires useful and interesting knowledge from the very first lesson; and though at the end of two or three months he may quit the prison, still unable to master the difficulties of the alphabet, he has gained as clear a comprehension of elementary Gospel history and doctrine as his mind is capable of. Subsequent to the adoption of the 'Mimpriss system,' two gentlemen, Mr. B. and Mr. H. Pitman, voluntarily offered to instruct a class of prisoners in

reading by the '*Phonetic*' method. Desirous to avail ourselves of every means for removing the ignorance which lies at the bottom of all the crime we have to contend against, the benevolent offer was thankfully accepted. The gentlemen named attended daily for many weeks, and the result of their kindness was certainly most satisfactory. It is enough to say, we are so far assured that, where there is ordinary capacity to work upon, the power of reading a chapter in one of the Gospels, as printed in the '*Phonetic*' character, may be attained in thirty daily lessons of an hour each; and that twenty additional lessons will suffice for transferring this power to the same book printed in the ordinary character. While, therefore, the 'short-timers' derive a greater or less amount of elementary knowledge from the 'Mimpriss' plan, prisoners under long terms are thoroughly instructed by means of the '*Phonetic*' method. Both these plans are well adapted for the instruction of *prisoners in classes*. Previous to their adoption it was felt to be unadvisable to form such classes, from the well-grounded apprehension that sufficient interest could not be given to the ordinary mode of teaching, and that, consequently, the prisoners might be betrayed into irregularities."

To Captain O'Brien.

"Preston, 24th Feb., 1851.

"I should say without hesitation that two half-days' schooling in a week is much more beneficial to prisoners than one whole day's;—and especially in respect to juveniles. Prisoners generally belong to a class who are so unaccustomed to the regular exercise of their mental faculties, that they find it difficult to keep alive their attention for more than fifty or sixty minutes at a time. In some cases, teaching which exceeds an hour is not only thrown away, but it disturbs the instruction acquired in the earlier part of the lesson, and so reduces its value. If this opinion be well founded, it follows that six *separate* hours' instruction, during the week, will be more—very *much* more valuable than six hours' instruction at a time. Where, however, the means of instruction are very complete, three hours' teaching might be given, provided there were three *complete changes* of subject. Still I should much prefer a day's interval between each, for it is the interval between each lesson, which enables the prisoner to digest and master what he has been taught, and it is desirable not to

cram him with more than he can digest. I do not think that a schoolmaster can teach in *class* with justice and *effect*, more than four hours daily. He might, on the old fashioned plan, *hear* a class spell and read, &c., for a longer time; but on the plan we are now pursuing (*the Mimpriss*) the schoolmaster is required to exert himself to a degree which he could not support for a longer time than I have mentioned. When not engaged in class teaching, our schoolmasters are engaged in visiting the cells, and in giving instruction *individually*, in writing, arithmetic, &c."

Journal.

"26th February, 1851.

"An intimation received from the Convict Department to prepare twenty of the Government prisoners for the *Hulks!* This, to me, is very disheartening. I need not put down here anything about the horrible character of the hulks as places of utter demoralization. It is true that I am assured, on good authority, that they are very much *improved*, but were they as much improved as possible, still the very nature of the establishment is unavoidably such as to make them quite unfit for the reception of men who have, for eight or ten months, greatly profited by the *reformatory* discipline of a prison like this. To train men, by *separation* and instruction, into a better frame of mind and a better course of conduct, and then to place them where they must come into daily contact with some of the most abandoned characters in the country, is, to say the least, to subject those who have been truly and permanently *reformed* to unnecessary trials of their stability, and to grievous outrages on their good feelings; while as to the wavering, and ignorant, and careless, who by continued subjection to a good system might be eventually reclaimed,—their fall from any little height of improvement they had gained, the society of the hulks will make inevitable."

Journal.

"12th August, 1851.

"I this day complete the thirtieth year of my chaplaincy in this prison. Within the period of my ministry here many and important changes and improvements have taken place. At the beginning of it prison-discipline had only just begun to attract attention, though for a long time afterwards it remained ill-understood. I remember whippings

not only in the Gaol but in the *market-place!* Useless severity was strangely combined with the most pernicious laxity. Frequent floggings for breach of prison *rules;* the exasperating treadmill; the promiscuous association of prisoners of all ages, of all grades of character, and of every variety of disposition:—these barbarous attempts to stay the progress of crime, and which served rather to stimulate it—I thank God I have seen brought to an end;—and I humbly thank Him, also, for having permitted me to assist in removing such evils! It is true that in labouring at the work which it appeared to me necessary to effect, not a few obstacles and discouragements had to be overcome—which, could they all have been foreseen, might have entirely disheartened me. But the good effected from time to time—slow as it was—was by God's good providence calculated to serve as a stimulus to perseverance; and, at the same time, the pace at which our improvements moved forward was sufficient to keep this prison in the first rank of those which were accomplishing, in some degree, their corrective and reformatory work. While, however, I am sincerely thankful for our advance thus far, I would not have it supposed that I consider our task complete—that our discipline admits of no further improvement. On the other hand, our condition—our means of carrying into effect a truly beneficial system are wofully imperfect. The particular treatment which has gained for this prison a European, and also an American celebrity, is only capable of being applied to about half of the prisoners. We have only 168 separate cells to give to the reformatory discipline of as many prisoners. As many more prisoners are excluded from the benefits of that discipline. They are excluded by the operation of a short-sighted and *expensive* economy which, for the sake of escaping an immediate charge, submits to a yearly one which is of a very great amount compared to the outlay which would almost entirely obviate it. I feel assured that the discipline which the building of the 168 cells has enabled us to introduce, has been instrumental in saving to the community —in eight years—a sum of little less than 30,000*l.*; and I am equally assured that the completion of the prison, in conformity with the original plan,—by the erection of a third corridor of 90 cells (at a cost of probably less than 4,000*l.*)—on the site of the present unsightly *ruin*, would be the means of effecting an annual saving which would repay the outlay in six or seven years. I do confess myself grieved and mortified that a prison which has obtained—I trust not undeservedly—a high character

in regard to its moral working, should present architectural features as unworthy of that character as they are of the wealth and intelligence of this great county."

From Report for 1851.

". . . . It has been doubted whether the cell is as favourable to habits of industry as a room, in which prisoners could work in common. Our experience removes all doubt upon the subject; and I am satisfied that the time allotted to work, is given to it as sedulously and as thankfully in the cell, as it could be under any circumstances of imprisonment. Industrial occupation I believe to be indispensable to every inmate of a cell. It is not only beneficial as teaching or strengthening habits necessary to those whose lot makes them dependent on their labour, but I believe, also, that it greatly tends to promote our chief object,—religious improvement, by supplying so much diversion to the mind as may save it from undue depression, and maintain it in that health, without which self-examination and penitence would produce no permanent fruit. Where industrial occupation has not held its proper place as a prime ingredient in the separate-system, I apprehend it must frequently have happened that mere depression of mind has been mistaken for godly sorrow and true-repentance.

"Proceeding on the conviction that even the most depraved may be affected by a reverential feeling, when brought into a place where everything around them plainly intimates '*this is none other but the House of God*'—the means for giving due and solemnizing effect to the daily and Sunday service of the chapel have lately been added to as far as circumstances permit. Our second schoolmaster's knowledge of music has enabled him always to have in training a number of prisoners capable of performing the choral part of the service, in a manner proper in itself, and extremely valuable in promoting a softening and humanizing effect upon many who, now, for the first time in their lives, hear the Almighty praised '*in psalms and hymns*,'—'*with thanksgiving and the voice of melody*.' When I also add that an altar-piece has been placed in the chapel representing the manner of that '*precious death*,' through which all them that believe and repent may live;—and that the chapel itself is closed to every purpose but that of religious instruction and worship—it will be evident that I entertain a sanguine hope that good effects may be

looked for, when Divine service in a prison is accompanied by its proper reverence-awaking accessaries. I believe it to be a grave, and often a fatal, mistake to suppose that it is unnecessary to give to a *prison* chapel the solemn and elevating character which would be thought indispensable to an ordinary church. On the contrary, everything capable of suggesting thought or feeling to prisoners in their chapel, should speak to them of '*holiness to the Lord*'—should whisper to the heart penitence and prayer, and invite all '*that travail and are heavy laden*' to come to ONE who will, even yet, '*by no means cast them out.*' On this subject I would beg to quote a passage from a prisoner's MS., containing many pages of prison thoughts written in the cell, when memory, conscience, and reflection were working their joint and several benefits. The writer, though yet a very young man, had been one of the 'dangerous class' from his childhood; and has tested the discipline of many prisons, conducted both on the associated and separate principle. I give the extract in his own words:—

"'I have always seen even those who thought religion to be a mean thing, take some delight in hearing and joining the psalms and hymns. I have sat among those who would never open their lips in prayer, and would sit within the voice of the minister, while preaching, like marble pillars. I have sat myself many a time in chapel without receiving in my heart one single word which fell from the minister. But I had a liking at all times for singing the psalms, and always saw this to be the case even with the most irreverent.'

"'When first I entered the chapel at ——, I felt myself quite at a loss; and why? For the first time *I had to stand up during the whole Divine service*,[1] which I thought to be very irreverent; in the second place, I never heard one single voice raised in praise to God; this, together with being placed in those boxes, made it appear more like a prison than a house of prayer.' . . . Surely no good object can possibly be attained by thus making a prisoner's attendance at chapel instrumental to his punishment! If it be the carrying out of the *deterring* principle, may not the treatment be *too* successful, and the prisoner, with such experience —perhaps his *only* experience—of religious (!) service, be *deterred* from

[1] This was corroborated by all the other convicts who had been in the same prison; with the addition that men were frequently taken out of the chapel ill, from the fatigue of standing so long in the confined boxes.

willingly participating in it for the rest of his life? Upon every ground of hope for a culprit's amendment; upon every ground of pity for his spiritual wants; upon every ground of sympathy for him as a fellow-sinner, who, perhaps, never had the means of grace placed within his reach before —I would urge that the ministrations of religion cannot be made too acceptable to him—cannot be offered to him too kindly. Is it right that a contrite spirit struggling to approach his Saviour should be held back by painful bodily restraints, which would seem intended to keep alive within him the bitter conviction that his fellow-men will not trust him even when he longs to kneel to God for pardon? . . .

"If, as I have shown, there is a tendency sometimes to carry punishment into the prison chapel, there is yet greater danger of making religious instruction—apart from the chapel service—partake of a penal character. This we have always endeavoured to avoid; and, on the contrary, have offered religious instruction,—and, indeed, all other instruction,—as a great privilege, calculated, if properly used, to alleviate imprisonment and make bodily restraint conducive to spiritual liberty. With this view, everything in the nature of *tasks* from Holy Scripture, or *forcing* the Bible on the prisoner's attention by refusing to him any other book, is carefully abstained from; and one consequence is, that the Bible is not only read from choice more than any other book, but is more spontaneously, and, therefore, more profitably studied than it otherwise would be.

"Having given this very imperfect outline of our system of discipline, I would now mention a fact to which I have not alluded in any former Report, lest I might be premature in announcing it. But, after an eight years' trial of our plan of modified separation, I may now state, that *not one case of insanity has ever resulted from it.* We have had several men of weak intellect and excitable temperament to deal with; but *in no case whatever has it been requisite to remove a prisoner to an asylum, or to subject him to any other regimen than that of the prison.* I am justified even in going further, and in asserting that, in several instances, convicts who, on their admission, exhibited symptoms of mental weakness or excitability, have decidedly improved during their imprisonment.

". . . There are persons who, though they would be shocked at a proposal to withdraw religious aid from imprisoned criminals, are, nevertheless, incredulous as to any good consequences alleged to be produced by it. On more accounts than one this incredulity is to be lamented. Unwilling-

ness to believe in a prisoner's reformation, when there is really good ground to rely upon it, works more injuriously than misplaced confidence in it. Men once convicted of offences, and becoming again criminal, because they could not obtain that credit for amendment which they really deserved, are far more numerous than those who have hypocritically professed reformation, and been afterwards detected in dishonesty. My venerated friend, Mr. Wright, of Manchester, has abundantly shown how wise and good it is to believe that a criminal's heart may be changed. Human nature produces few men like Thomas Wright; but it might be expected, that the many undetected sinners should be less hard with the few who have been found out, and be more willing to give them an opportunity of recovering their position in the world. Criminals—even the worst—are often capable of responding to kindness which they know to be disinterested, and will make efforts 'in the right direction' when assured that their true welfare is an object of solicitude to those who have the care of them. In my own experience I believe myself to have been successful in proportion as I have been able to persuade the prisoner that his temporal and religious good was our earnest desire and prayer—the great end aimed at by our discipline. I conceive that Captain Maconochie's remarkable success among the outcasts of Norfolk Island, was chiefly owing to their conviction of his deep interest in their amendment. A transport now in our prison, and who has already 'served his time' in the terrible hulks at Bermuda, still gratefully remembers an officer there in whom even the hardened convicts, when yellow fever was raging fatally among them, recognised a skilful, unwearied, and devoted friend. 'It may scarcely be credible' (I copy a passage from the prisoner's MS.) 'from such a class of persons—but the prisoners in general paid more respect—indeed, I may say homage—to Dr. King, who was more than a father to all who came under him.' Another convict who had been under the well-organized system at Gibraltar, after giving an interesting account of the efforts made for their improvement by Mr. Kingston, the chaplain, writes:—'Now I don't think but what any of the prisoners would have gone through fire, if he wished.' So it is:—what these poor creatures chiefly need, in order to restore in them the image of humanity, is consideration and sympathy. It is not the mere governor—it is not the mere chaplain—but the earnest and pitying Christian, who, while armed with authority to repress all tendencies to evil, can, at the same time, touch

the chord in the convict's heart which is still capable of vibrating in harmony with what is good."

To H. P. Voules, Esq.

"Preston, 6th November, 1851.

". . . . The schoolmasters begin their daily routine at eight A.M., one of them giving instruction in the Gospel history, by 'Mimpriss' system,' the other in secular knowledge, from Baker's 'Graduated Reading.' As you are aware, these respective systems comprise three 'grades,' the third in each being calculated to give instruction of a sound and very useful character. Each class of prisoners consists of about fifteen, and receives three-quarters of an hour's instruction. The *class* instruction received by each member of a class, per week, amounts to about four hours. The teaching is interrupted at half-past eleven by the chapel service, and recommences at about one o'clock. Some classes are taught in the afternoon, according to circumstances, but the schoolmasters chiefly occupy themselves in visiting the cells, 'setting copies,' furnishing the more advanced prisoners with books, giving instruction in arithmetic, &c. The books published by the Board of National Education in Ireland are very much liked by the prisoners, and seem very suitable to follow up the 'Mimpriss' and 'Baker' books, combining, as they do, excellent instruction, religious and secular. We do not teach regularly prisoners whose sentence is for a term less than two months; though, if able to read, they are supplied with books. Prisoners awaiting trial are not assembled in classes. We have repeatedly found, what might have been expected from their anxious position, a greater inclination to communicate. We have, however, excepted boys from this rule. Of course prisoners for trial are supplied with books, if able to use them. We are careful to hold out instruction as a great privilege, and consequently to be deprived of books, or to be excluded from the class, for a time, is a severe punishment. We have an average of 140 under instruction. I consider the Mimpriss system to be extremely valuable when, as in our case, the teacher is able to dispense with the routine of his '*Manual*,' and to infuse into his manner of teaching the earnest and lively spirit calculated to keep up the earnest and lively attention of his class."

To M. Mittermaier.

"Preston, 10th March, 1852.

"I have been longer than usual in getting out my report; but to-day I have the great pleasure of sending a copy of it to Messrs. Longman, for your kind acceptance. Believe me that I sincerely sympathise with you both in regard to your own suffering health and the sorrow which has visited your family. I trust that in His own good time the Almighty will restore the one, and remove or heal the other. Few things provide such an agreeable remedy for ill-health as travelling; and I am very solicitous that you should carry into effect your purpose of visiting England this year. The change of scene will be beneficial to you; and if you will come to Preston, and honour me by becoming my guest, Mrs. Clay and I will do our best to make you '*comfortable*,' and you shall be put in prison no longer than it may suit your convenience to remain there. When I feel myself discouraged from without, or in danger of weariness from within, I betake myself to your most welcome letters. Grateful I am that I have your sanction for the views I venture to advocate in the treatment of criminals, which,—as every day's experience more plainly demonstrates—must be based upon the principles of humanity. To apply mere, if not vindictive, punishment to those of our fellow-creatures who have gone astray, because we have neglected to show them the right path, is as sinful as it useless.

"I subscribe entirely to your general classification of criminals into three chief divisions, but while under discipline, numerous subdivisions begin to appear; and I have sometimes found the worst characteristics in a man of the worst class—under God's blessing—susceptible of removal. If I mistake not, our opinions are agreed that prison-discipline should be capable of adaptation to the *individual* character and disposition of the prisoner. We act as much as possible upon this principle in Preston, and it would be well if we could act still further upon it, by measuring the terms of imprisonment with the progress of moral improvement. The most efficacious remedies for bodily disease would become prejudicial if continued when the patient was convalescent. So it may be with the powerful remedy of separate confinement applied to the sufferer under moral disease. *Six years of entire isolation* seems to me very terrible. The mental faculties of very few persons could withstand the effect of

such continued separation from their fellow-creatures. I have not yet seen Portland, but I believe it to be very successful, and I receive many gratifying letters from prisoners who have been sent there, after ten or twelve months' probation with us. Establishments on a large scale are nearly complete at Portsmouth and Dartmoor, on the Portland plan; so that, ere long, I trust we shall be in a position to abolish our *demoralizing* hulks.

"Some of my poor prisoners have given me full and minute information about the state of things at our distant hulks in Bermuda. The picture drawn is fearful to contemplate, but I must nevertheless send it for inspection to our Colonial Secretary, as soon as he is settled in his place; I am sure he is quite ignorant of the evils existing.

"I fully agree with you that the morality of the people—everywhere—is greatly endangered by the conduct of the higher classes of society, and especially in their apparent approval of such *Coups d'Etat* as France has acquiesced in. Your view seems to be shared by Guizot, who, in his late address, on the admission of Montalembert to the Academy, intimated his fear that, mentally and morally, our race is beginning to retrograde. That an over-ruling Providence may direct all things for good; and that its special blessings may attend you, is my sincere prayer.

"I had almost forgotten to thank you for your pamphlet on the state of our prisons. I have been able to comprehend so much of it, as to blush at the unmerited praise which you accord to me. I will try to make myself worthy of your good opinion."

Journal, 22d August, 1852.

"This day, by the Almighty blessing, I complete the thirty-first year of my ministry as Chaplain to this Gaol. During my chaplaincy I have been associated with four successive governors, and have officiated in four successive chapels. A retrospect of my humble labours furnishes cause for deep thankfulness, that I have been permitted to discharge them—however imperfectly—not uselessly; and if I look forward with a consciousness that I must now pursue them with greatly diminished ability—both physical and mental—I leave the issue in the hands of Him whose power is exercised, oftentimes, through the weakest instruments."

Journal, 28th August; 1852.

"In the spring of the present year we had in confinement at the same time no less than four men who had 'served their time' at the hulks at Bermuda, and one who had been a convict at Gibraltar. In my conversations with these four men—and especially with a Government convict named ——, I was forcibly impressed with the conviction that the treatment of the convicts at Bermuda was a disgrace to the country which seemed to pay, in many respects, so much attention to its outcasts. The fact of four Bermudian convicts being *here* at the same time (there may have been more who concealed the fact) is a more than sufficient indication of the demoralizing effects of their confinement. In order to test, as far as practicable, the truth of the statements made by these men, the statements themselves were committed to writing, no prisoner being aware, or having reason to suppose, that similar relations would be obtained from others. ——'s narrative was written by himself at great length, those of —— (one of the Frimley gang), —— (under twelve months' imprisonment for felony at Preston), and —— (sentenced to four months' at the Lancaster sessions), were taken down from the dictation of the men by the schoolmaster. The mutual confirmation which these accounts supplied, leaving no doubt of their substantial general truth, I conceived it to be my duty to place the evidence itself before the proper authority—that of the Colonial Department. My own want of leisure, however, and the changes in the Government, caused the postponement of the step contemplated until the present time; and, to-day, I forwarded to Sir J. Pakington copies of all such parts of the statements as appeared necessary to the proper elucidation of the subject."

To Sir J. S. Pakington.

"Preston, 28th August, 1852.

"I have the honour to transmit herewith copies of the statements of certain prisoners, now, or recently confined in this House of Correction, relative to the state of the convict establishment at Bermuda, at which place they had previously 'served their time.' I trust that I do not overstep the limits of my duty in submitting these papers to your consideration. It has been my practice, since the adoption of the separate

system in this Gaol, to allow well-disposed prisoners, when I had become satisfied that confidence might be placed in their statements, to commit to writing some account of their former lives, in the belief that the occupation would be beneficial to themselves, as enabling them to see more clearly the certain connexion between sin and suffering, and that it might be useful to society, as giving an insight into the (preventible) causes of crime. An account written by a convict, named ——, having contained passages relating to his experience at Bermuda, I was induced to obtain from him further particulars of convict life at that place. The essential portion of his statement I have the honour to submit in the paper marked "A." I was enabled to put ——'s veracity to a satisfactory test, in respect to an otherwise incredible part of his general narrative, and therefore I gave him credit for adhering to truth in the relation of his life at Bermuda. Desirous, nevertheless, of obtaining such confirmation as should preclude all doubt of his trustworthiness, I took down the *independent* statements of three other prisoners who had served at Bermuda. These statements, none of which, considering the characters of the men, standing alone, would be entitled to much credit, mutually confirm each other to an extent which gives them, collectively, the character of true testimony. The papers marked "B" and "C" contain the statements adverted to. Pursuing the inquiry further, I availed myself of the sad knowledge and experience of a convict of great intelligence and superior education, who, though never at Bermuda himself, had seen and carefully noted the moral and mental state of returned convicts, and also the light in which they were regarded by the general body of criminals. I respectfully beg to submit this man's observations in the paper marked "D." It is scarcely necessary for me to remark that the state of moral degradation disclosed by these documents can only be described . . . . The evil *was*, also, terribly increased by the practice of returning the dehumanized convicts to the mother country by shiploads at a time. This proceeding, as I am informed, has been discontinued, and the convicts are now sent to Australia or Van Diemen's Land. The evils which may result to those colonies, under their present extraordinary circumstances, from such a step, it would be presumption in me to speak of. If I need an excuse for intruding the subject upon you at all, I would plead that thirty-one years' laborious experience among prisoners having assured me of the happy effects which, under God's blessing, follow a humane and reformatory

treatment of them, I am deeply grieved to know that treatment of an opposite character is still pursued in any part of the British dominions; and I persuade myself that I fulfil an imperative though painful duty, by making this communication. I rest full of hope that by your instrumentality, and under the Divine favour, such a remedy for the evils disclosed will be provided, as shall consist with the religious character of the country, and with that of the Minister to whose care the interests of the colonies are now committed."

To Captain O'Brien.

"Preston, 12th October, 1852.

"By your letter of the 6th instant to the Governor, I find that some of our 'government convicts' are destined to the hulks at Bermuda. This makes me very unhappy; for the accounts I have received from many returned convicts who had 'served' there are enough to show that the condition of the place is a fearful disgrace to us as a Christian people. In the spring of this year, we had at the same time no less than four of these returned convicts. The statements made by one of them induced me to make inquiries from the others; and finding that their independent accounts mutually corroborated each other, I assumed that they were substantially true. Under this conviction I forwarded (compressed) copies of the respective statements to Sir J. Pakington, accompanied by a letter of which I send you a copy, and received a reply to the effect that 'the Governor of Bermuda would be instructed to institute an inquiry into the allegations which they (the statements) contain.' I hope that I do not need to assure you that I have no wish to meddle with matters that do not belong to me; but I cannot go on with my appointed work, heartily and hopefully, with the prospect before my eyes, that it is to be tested afterwards by an ordeal which, humanly speaking, it is impossible to withstand. It is worse than labour in vain, to labour with apparent success, and then to know that the height of your success will only add to the depth of a subsequent and inevitable fall. I have not yet got over the removal of our men to the hulks at home; but to require us to labour for the reformation of men whose antecedents have been so full of misfortune, or crime, or both, preparatory to their removal to Bermuda, is like telling a mechanic to exert his skill on a piece of most unpromising material *in order* that when he has given to it shape and usefulness, it may be thrown on to the

dung-heap! The original MS. of the narrative, at page 39 of the appendix to my last report, contained many details of the horrors at Bermuda, which, however, I thought it only discreet to pass over. It has occurred to me since, nevertheless, that I might be instrumental in promoting or accelerating the reforms, which I am sure Colonel Jebb and yourself must desire, were I to give, in my next report, some more distinct intimation of the state of the convicts at Bermuda. While my own imprisonment continues, of course, I should not give publicity to anything of the kind, without taking the opinion of my superiors as to the propriety of doing so, but really, I can imagine nothing more likely to drive me to resignation, than the imposing upon me of duties which, even if successfully performed, are performed with a more than useless result."

Journal, 14th October, 1852.

"I received a reply to the above from Captain O'Brien. After expressing his sympathy with me, he proceeds: 'Colonel Jebb and I have no jurisdiction whatever in the matter. . . . With respect to the selection of prisoners for Bermuda, we have received instructions to send men who have a long time to serve on public works, and who are not bad characters.' *To send men who have a long time to serve, and who are not bad characters*!!![1] that is, to send comparatively good, or absolutely reformed men, for many years, to a place where goodness and reformation are almost as impossible to a man, as his personal cleanliness would be, were he to live in a common sewer."

To the Bishop of Manchester.

"Preston, 25th November, 1852.

". . . . Your lordship's goodness in so readily proposing to visit Millbank, has suggested to me that you might be inclined to take an interest—an active interest—in another matter connected with the spiritual welfare of my poor flock, which will in a great measure be explained by the papers which I beg leave to enclose. One of the papers is a copy of a representation, which I made to our magistrates in April, 1851, and was

[1] Perhaps he is somewhat too severe on the Government. The evident intention was to send men to Bermuda, who could be trusted not to contaminate each other. If such was the intention, however, it was certain to be frustrated.—Ed.

intended to show the great objections to removing to the *hulks* men in whom our treatment had begun, by God's blessing, to produce a better disposition. These removals to the hulks have continued, from time to time, ever since my paper was sent to the Home Office, and only on the 8th instant we removed, in obedience to directions from Government, seven convicts to the hulks, of whom six were receiving instruction with a view to their being confirmed. These six men furnished some of our most encouraging cases; and I am humbly but well assured, that the 'means of grace' have wrought in them beneficially. Now I venture to beg that if you should have a few hours' leisure, you would be pleased to see these men. I feel persuaded that, should you think fit to accede to my request, the result might be most advantageous to the interests of humanity and religion. It is important that one in your lordship's position should *witness* the condition of convicts in that stage of their treatment which *follows* the careful, reformatory, and religious training of *separate confinement*, and *precedes* removal to the colonies, or, it may be, restoration to liberty in our own country. I beg to add the names of these men, and to place them in the order of my own estimation of them, that is in respect to the beneficial change which they had experienced. . . . .

"I am most fearful of the effect of *hulk association* on the *young* men: —— and ——, I trust, will have firmness to resist that evil influence. The seventh man, ——, gave us great trouble. Long continued infirmity, and want of intellectual balance in him, made his treatment very difficult. We did succeed at length in bringing him to a better state; but I fear that a few days at the hulks would neutralize our labour of months. I hardly know whether to apologize for thus proposing to add to the many labours which require your attention; at all events, I trust that you will see that I am chiefly anxious to bring under your observation evils which I entertain a hope you may be instrumental in removing. . . . ."

To the Same.

"Preston, February 25th, 1853.

"Your lordship may probably remember me speaking of the deplorable moral state of the hulks at Bermuda. I observe that the new Colonial Secretary, the Duke of Newcastle, in explaining to the Lords the intention of Government with respect to *transportation*, stated that convicts will continue to be sent to Bermuda, which his grace described

as an establishment similar to *Portland!* Would that it were so now, or might become so (as it *might*) soon! But I venture to tell you that the condition of the convicts at Bermuda is diametrically opposite to that of the convicts at Portland. I have obtained the separate and independent evidence of *five* unfortunate men who had 'served' there. Their statements mutually corroborate each other; and the conclusion cannot be resisted, that these hulks are calculated to dehumanize men to an extent which a civilized mind would otherwise deem impossible. I am led to suppose that in the five hulks there are about 1,500 men. Convicts from our *probationary prisons* are sent there annually at the rate of 200 to 250; and a similar number at the conclusion of their terms of transportation are either brought back to *this country*, or sent to the colonies. I thought it my duty, last autumn, to submit to Sir J. Pakington the statements of some returned convicts. That gentleman courteously acknowledged my communication, stating, at the same time, that he had directed the Governor of Bermuda to institute the necessary inquiry. Since Sir J. Pakington quitted office, I have received an intimation of his opinion that Government must still rely on Bermuda as a place for the disposal of convicts; he seems unwilling to believe that any serious abuses exist there; and is, consequently, averse to the excitement of any public feeling on the subject. I have no doubt but that the *higher* authorities at Bermuda are (kept) in ignorance of the true state of things. The Governor of Bermuda is now in England, and the Colonial Office may be satisfied with his view of the penal system in the island. But the *whole* appalling truth, in regard to that system, can only be known to the convicts who are placed under it, and, therefore, I cannot but attach the greatest importance to the statements which some of them have made to me; and which, as I have said, mutually support each other. I venture to place this subject before your lordship, partly as one requiring the prompt attention of a Christian legislature, and partly for the purpose of craving your opinion, as my diocesan, for my better guidance. I can make full allowance for official unwillingness to have public feeling excited on this subject, but, nevertheless, such a monstrous evil, as I believe to exist, ought not to be tolerated a day longer than can be helped. As one mode of overcoming the cold impassibility of official routine, I have had it *in petto* to beg Mr. ——'s permission to place the convicts' statements in his hands. It appears to me that the Colonial Office would

give real and *immediate* attention to the matter, if urged upon it by a member of his influence. If not, Parliament might be moved to inquiry.

"The statements which are now being copied are somewhat lengthy, but I do not think myself at liberty to cause anything in them to be abbreviated. I forbear loading your lordship with them now, thinking it best in this stage to be content with submitting to you a general outline of the facts. I will only add, in conclusion, that there are *very* many returned Bermudian convicts, in the home hulks, in our prisons, and at large, who would be capable of giving evidence, should it be thought desirable, before either a committee or a commission."

To the Same.

"Preston, March 15, 1853.

". . . . The evidence now laid before your lordship *could only be given by convicts.* The higher the rank of the official, the more ignorant he is *kept* of the true nature and extent of such evils as these papers describe. As the inquiry descends, beginning with the Governor and ending with the 'guard,' it is met, in the first instance, by the conscientious disavowal of all knowledge of the abuses charged; and in the last, by interested endeavours to conceal the real and appalling truth. I need not express my great thankfulness for the beneficial change which, under Providence, the convict establishment at Bermuda is undergoing; but I should be ungrateful, did I not most sincerely and earnestly thank you for having obtained from the Duke of Newcastle so clear an explanation of it. You will perceive that the convict —— gives a different account of the arrangements of convicts' sleeping. Either of the plans would do, provided that they are carried into effect by vigilant, intelligent, and conscientious subordinate officers—men very difficult to meet with."[1]

[1] See *Times*, March 2, 1853. (Debate in the House of Lords.) In answer to the Bishop's question, the Duke of Newcastle stated—what was then no doubt the intention of the Government—that a prison, like the one at Portland, was to be established on Boaz Island, and the two hulks abandoned. A third prison *was* built on the island, and is now occupied: the discipline *there* is very bad, but that on board the two hulks, *which are still used* (or at any rate were used a twelvemonth ago), and which contain about 650 convicts, is, as it always has been, ineffably accursed. The chaplain, who is refreshingly plain-spoken in his last report (dated January, 1860), calls these hulks "hells of abomination." "They are productive," he writes, "of sins of such foul impurity that one even shudders to mention them. [Of which statement horrible narratives, now in the possession

To Charles Dickens, Esq.

"Preston, March, 1853.

"Mr. Roberts forwarded to me your observations on the papers of ——. You will not, I hope, think that I intrude in directly addressing you. I do so, not so much with regard to ——, whom I have no wish to hold up as a reformed prisoner, but with regard to the discipline under which he was placed. I do not hesitate to confess that I had some misgivings now and then as to whether I was doing quite right in encouraging his 'essays' and statements, and your comments have certainly not removed them. . . . I wanted to receive from him, what I had received from very many others, information relating to the many aspects of vice and crime. No doubt I succeeded in obtaining from —— a more repulsive self-drawn picture than I expected, and than he was conscious of. Let me, however, say one thing for him, namely, that I do not think he was playing the hypocrite in a new fashion, or at all. I recall many instances of conduct which, to my mind, are very inconsistent with such an hypothesis. But let him go—miserable man; and if I should ever hear, as I have *some* hope that I shall (sanguine person that I am), that he has turned out better than likely, I am sure you will be glad to hear such tidings.

"You say in your letter to Mr. Roberts . . . . I must bear the blame,

of this editor, are highly corroborative.] In the close and stifling nights of summer the heat between decks is so oppressive as to make the stench intolerable, and to cause the miserable inmates frequently to strip off every vestige of clothing, and gasp at the port-holes for a breath of air . . . . The spectacle on board the Medway Hulk, on June 1st last, when one prisoner was slain and twenty-four desperately wounded, would have appalled any humane heart. The hulk was a perfect *shambles*, and a frightful scene of uproar, excitement, and bloodshed. Suffice it to say, that a mere handful of warders was powerless to deal with the armed mob below decks. All that could be done was to fasten down the hatches, and when the work of butchery and carnage was over, descend below to fetch up the dead and wounded." Lord Carnarvon brought the matter before the House of Lords in the last, and Lord Naas before the House of Commons in the present, session, but they were both officially shuffled aside with a minimum of information. Nevertheless, let us hope that something is being done, and that Mr. Childers' Committee (now sitting) may thoroughly sift these terrible stories about Bermuda. In the short newspaper discussion which Lord Carnarvon's question occasioned last spring, some governor or chaplain of a Gaol (I forget which) quoted a convict's statement in support of the account given above. An ignorant person, in a letter to the *Times*, grew facetious at the notion of believing a convict. This ignorant person—a very typical man, by the way—forgot that men who had been dealing with convicts, perhaps for years, were much better judges than he of their credibility, [Since this was written, Lord Carnarvon has again brought the condition of the hulks at Bermuda before the House of Lords; and, from the Duke of Newcastle's reply, there seems at last a good hope for their abolition.]—ED.

I fear, in my character as chaplain for mismanaging the application of the separate system. I am very anxious to induce you to think as favourably as you honestly can of the *Preston* system, which differs in many important points from the 'separate system' as it *did* exist at Pentonville, and *does* yet, I believe, at Reading; and I venture to hope that when you have heard my defence, you will find that there is less reason why you and I should 'agree to differ,' than there is why Mr. —— and I should come to such an understanding. It is rather singular that poor Mr. Russell, the late inspector of Pentonville and chief originator of the separate system, used your expression in writing to me seven years ago, when he found that his views and mine on separate confinement 'differed,' so as to exclude all hope of agreement. In his view I opposed the separate system, in yours I am thought its advocate. [After describing the discipline at Preston.] You will see that in what I have now described, Preston differs very widely from Reading (which I look on as the type of the separate system). The difference is also important with regard to the use made of the Holy Scriptures. At Reading they are either associated with punishment (insomuch as a prisoner for a long time, if not at all times, is permitted to have no book but the Bible in his cell, which being thus forced upon him, cannot be liked), or they only furnish means for exercising the memory. At Preston we do what we can to make the Bible acceptable by carefully abstaining from any attempt to force it on the prisoner, and by holding out the study of it as a privilege. I have always discouraged the committing of chapters, &c., to memory, because I consider it of little more use than learning so much Greek, and because the prisoners, like some who should know better, consider it a meritorious act; while at the same time I have endeavoured to show how the New Testament more especially may be the comfort, guide, *corrector*, warner, of any one who will ponder well a few suitable verses. We endeavour to make the individual separation of the prisoner in respect to intercourse as effectual as we can. On this point I am prepared to be firm, if not obstinate. . . . . But while our discipline involves non-communication, I think it well to make the prisoners understand, and generally assent to, the reason for doing so. Such a conversation as the following takes place at the beginning of a prisoner's confinement:—

"*Chaplain.* 'Would you rather be by yourself, or in a room with more prisoners, where you could talk to one another?'

"*Prisoner.* 'Well, I'd as lieve be where I could talk to somebody.'

"*Chaplain.* 'When you were in prison at ——, you could talk to one another as much as you liked?'

"*Prisoner.* 'Yes.'

"*Chaplain.* 'Did your talk do you good or harm, do you think?'

"*Prisoner.* 'Well, I can't say it did us any good.'

"*Chaplain.* 'Tell me honestly now, did not the conversation among the prisoners do harm? did it not make many of them worse?'

"*Prisoner.* 'Well, it certainly did; and I used to think then that it was a bad thing to have young lads hearkening to what men was telling on.'

"*Chaplain.* 'Then would it not be the safest way, as we want to do you good, to make you a better and a happier man, to prevent you talking to other prisoners? I want you to see, that being put by yourself is meant to benefit you, and not to punish you. I want you to understand that we, none of us, desire to give you pain; but our rules are very strict, and *must* be obeyed. If you are willing to make good use of your time, the rules will give you no trouble; and you will find all of us—governor, chaplain, schoolmaster, &c.—desirous to do everything we can for your real welfare,' &c. &c.

"Such is the substance of the conversations I hold with many prisoners on their reception; and in proportion to the men's general intelligence and mature age, I find them preferring the quiet and freedom from annoyance secured by the separate cell. In more instances than I care to estimate, men of thirty-five to forty-five or fifty have said to me, with a tone and manner beyond all feigning, 'Eh, I wish I had been sent to a place like this twenty years ago!' And the poor convict under sentence of transportation has said almost as often, 'If I had been put into a prison like this the first time, I should never have been transported.'

"I need not repeat here what I have endeavoured to explain and advocate in my reports, that our, and especially my, efforts are directed to the humanizing, civilizing, Christianizing of the wretched or misguided persons that come under our care. . . . . As a minister of religion, I cannot be expected to support any other view. Sir J. Graham says, 'We constantly see in the Court of Justiciary persons who have suffered imprisonment in the general prison (at Perth) for eighteen months or two years, on whom the discipline and instruction of the prison have been entirely thrown away, and who return to crime immediately or soon after

liberation.' Nevertheless our modified separation is, as I presumed to describe it some years ago, 'a self-adjusting system.' On the well-disposed prisoner, who sincerely desires to amend, it confers a boon of the highest value; to the hardened offender it is punitive in the extreme: and if *he can* be 'deterred' from crime, I know nothing more likely to produce the effect. On the supposition that you would alloy the amendment of prisoners after liberation to be in some, and that not a small, degree the test of the value of the treatment they had been placed under, may I ask you to consider the following circumstances, most of which are to be found in my reports?

"1. The police have reported favourably of more than fifty per cent. of persons who, after having served their sentences, have returned to their usual homes.

"2. The committals for trial to our sessions, which had stepped up in successive years to 620 in 1843 (the last year of associated imprisonment *here*), stepped down in 1844, '45, '46, to 433, 301, 299; or taking two terms of five years each, the yearly average of trials at sessions from 1840 to 1844, was 517; from 1845 to 1849, 328.

"3. As to young criminals, twenty were transported in 1843; in 1852 (year ending June 30th), the entire number *tried* was twenty-four.

"4. Juvenile crime *as a system* is not known to exist in North Lancashire. I state this on the authority of our Police Superintendent.

". . . . After all, I think the most likely thing to influence your opinion would be that which your letter leads me to hope may take place, namely, your personal inspection of the Preston Gaol. I need not assure you that I should esteem it one of the most gratifying events of my quiet life, to receive you as my guest during the term of your visit. . . . . If your valuable time *could* be given to such a work, may I say, the sooner the better—for thirty-one years' imprisonment is rather wearing out my energies and interest in my work, and I should like to have you in prison while I am at all able to perform my part in it. . . . ."

From Report for 1852.

"The Holy Sacrament has been administered four times during the year—the number of communicants varying from seventy-six to ninety-six. I have had good reason to hope that, on all these occasions, the motives which brought the prisoners to the Holy Table were unobjection-

able; and there are circumstances in respect to the *proportion* of communicants furnished by the different classes which tend very much to strengthen confidence in these motives. The most numerous class in the prison is formed by persons under summary conviction, who, being subjected to our discipline for a comparatively short time—imprisonment for seven or fourteen days being the sentence passed on a very large portion of them—receive proportionately little benefit from it. Communicants belonging to this class have, consequently, been very few—never exceeding six per cent. of its entire number. Altogether differing from these 'short timers' are the 'Government convicts.' These men, under sentence of transportation for graver offences, have had, in the solemnities of their trials and in their subsequent treatment in separate confinement, many more incentives to reflection, self-examination, and penitence. The full power of such religious instruction as we can give, and of the general *corrective* discipline of the place, is brought to bear on them; and, debarred from all worldly hopes but those which they are encouraged to build upon real repentance and resolute amendment of life, they are better prepared to respond to an invitation to the Holy Sacrament. Out of about fifty of this class whom we have generally had under our care, from thirty-one to thirty-five have been communicants. Intermediate between the two classes I have mentioned, is one consisting of prisoners who have been convicted of felony or misdemeanor at our own sessions and assizes. These prisoners also received from the anxieties and grave accompaniments of their trials an impressive lesson which a summary conviction would not have given; though, at the same time, their more immediate prospects of returning to old habits and companions tend to discourage the serious thought which the Government convict—having no such prospect—can scarcely resist. The proportion of communicants, therefore, offering themselves from this class is nearly the mean between the other two divisions, viz. about twenty-three per cent. The proportions I have mentioned continue almost unchanged on every occasion of administering the Sacrament—a fact which indicates, I trust, something in the nature of a satisfactory *law* in the operation of reformatory prison-discipline.

". . . . In reporting, as I now do with grateful satisfaction, the fact that, in December last, the Lord Bishop of the Diocese conferred, in the chapel of this prison, the rite of confirmation on eighty-eight prisoners, I believe that I place on record the first instance of such a proceeding in the

history of prison-discipline. The circumstance is also note-worthy as marking, with more than ordinary significance, the growing opinion that those unfortunate persons who, for want of due instruction and guidance at the proper time, have fallen into evil courses and incurred legal chastisement, so far from having entirely forfeited their claims to Christian sympathy, have, rather, had them strengthened."

To Captain O'Brien.

"August 1st, 1853.

". . . . As to the effect of our discipline on the bodily health, it appears to me that, as a *general* result, it is not injurious for a period of nine or ten months. If, on the one hand, some constitutions, accustomed to out-door labour, are weakened by confinement for that length of time, on the other hand, convicts of previous dissipated habits are benefited by the regularity of prison life. I would observe, however, that great care and watchfulness are exercised in respect to prisoners' health. In any case which may seem to require change in food, or in exercise, or in occupation, the remedial steps are taken without giving the prisoner any reason to suspect that he stands in need of medical attention, and without sacrificing any important element in the general discipline. I am glad to have it in my power to speak without any reservation of the good effects of our treatment on mental health. It is not merely that no injury in this respect is sustained by the prisoners, but that positive improvement is effected. I can call to mind instances of prisoners who, on their reception, were very excitable, and some who were reported to us as having been altogether ungovernable in the prisons which they had just left, all of whom, nevertheless, when brought under patient, firm, and kind treatment, became submissive and reasonable. Others again who, without being excitable or turbulent, showed want of capacity, verging in some cases upon unsoundness of mind, became more intelligent and susceptible of instruction. I do not forget that one case of suicide appears in the return forwarded herewith; but I believe myself justified in attributing the deplorable act to sudden frenzy, which might have attacked the man under any circumstances. Up to the last ten minutes of his life he had manifested no sign of mental depression or of impaired health; on the contrary, he had increased considerably in weight, and was receiving the schoolmaster's instructions with unusual earnestness. The fact that, during ten

years of modified cellular discipline, no removal to a lunatic asylum has ever taken place, or even been contemplated, will, I hope, be considered sufficient proof that the mental health of our prisoners does not suffer by the discipline they are subjected to."

From Report for 1853-4.

"Referring to the committals of boys during the *two* years [1852-3], I find it noted in my character books that more than sixty of their *families* were in the receipt of weekly earnings averaging 30*s.*; three families earned betwen 50*s.* and 55*s.*; two earned, the one 75*s.*, the other 76*s.*; and one family earned 4*l.* 16*s.* weekly. These facts indicate very decidedly the justice and necessity of the measure which is about to be more effectually enforced, and which I have long urgently recommended, for compelling parents to support, wholly or partly, the children who, through their neglect, have been sent to reformatory schools. There can be no reason why the reformatory *prison* should not be reimbursed, in like manner, for the expense of the children committed to it. We should then hear less of the harshness of step-parents, and of children being 'turned out of doors' the moment they cease to contribute to the family income.

". . . . The tendency to relapse into bad courses shows itself on a larger scale in the summary committals. The persons recommitted under that mode of proceeding belong to the lost and hopeless class, whose gross ignorance and maniacal fondness for drink make them at once a disgrace and pest to the community. I call them a hopeless class, because, owing to their *very* short sentences, no reformatory discipline has time to take effect. The mischievous drunkards committed for fourteen days, or more uselessly still, for seven days, scarcely recover sense enough, during their confinement, to save them from an instant return to debauchery as soon as their sentence is over. . . . Although men and boys are more frequently chargeable with irregular *acts* than women and girls, the latter, when they have once transgressed, are more certain to become habitually criminal.

". . . . The mind must retain, humanly speaking, its full strength when occupied on such a work as repentance. Accordingly, while instituting here separate cellular confinement as the only safeguard from corrupting intercourse, it was not thought desirable to adopt the masks and

other means of strict isolation used at Pentonville. Our prisoners were permitted to *see each other at exercise, at divine service, and, after a little consideration, at school.* This modified separate system realized what I had earnestly recommended for many years, and soon produced effects equal to my most sanguine hopes.

"While, however, we mitigated the Pentonville system to so considerable an extent, we resorted to what has appeared to many persons—including some eminent members of the Legislature—an unjustifiable severity. We placed *prisoners committed for trial in separate confinement.* . . . . The present able and zealous governor had seen the ruinous consequences of prison association—especially in respect to boys;—and no sooner were our separate cells ready for occupation than, in accordance with my anxious wish, and without waiting for the formal approval which legal difficulties might have delayed,—and notwithstanding a well-intended caution from a government official—*all boys committed for trial were placed in separate confinement, and so were saved from the prison-demoralization which had been at work—up to that hour—ever since prisons existed. From that hour, youthful criminality, as a system, carried on by habitual and associated thieves, has ceased to exist in North Lancashire.* It is not unnecessary, even now, to press this argument respecting the treatment of the untried; because there are still well-meaning people to be found who consider that to deprive them of the privilege (?) of associating is both illegal and cruel; and because, even now, and despite the progress made in the question of prison-discipline,—*in more than two-thirds of our Gaols, prisoners for trial are permitted to herd together, and to form themselves into mutual instruction societies for propagating the knowledge and practice of crime.*[1]

[1] The late Lord Nugent, in February, 1848, moved the House of Commons to allow the association of untried prisoners. Sir George Grey, in opposing the motion, quoted the passage which I have given above from my twenty-second Report; and Dr. Bowring—Lord Nugent's seconder—avowing that Sir George's "arguments had changed his previous conviction," and recommending the withdrawal of the motion, no further debate took place. In 1850, a Committee of the House of Commons resolved that "individual separation ought to be applied to all prisoners before trial; as it is essential, in an especial degree, that such prisoners should be secured from all intercourse with other prisoners." Two years after the passing of this resolution, however, I was made aware (when under examination before a Select Committee of the Commons) that there are still persons of public eminence who are not reconciled to the "hardship" of separating the untried.

[The utter necessity for placing prisoners before trial in separate cells was stronu-

"The PRESTON SYSTEM, instituted in 1843, continued for several years to be the only example of a discipline which, while insisting upon cellular separation, dispenses with masks, separate airing yards, and separate stalls in chapel. On the contrary, the prisoners see each other frequently in the course of the day; they take exercise in sight of each other,—brisk, exhilarating exercise, which makes the blood circulate healthily through the whole system, and which, being attended by a sense of companionship, promotes so much of mental tone and cheerfulness as effectually counteracts any tendency to morbid depression. In chapel the prisoners assemble like an ordinary congregation, with scarcely any other restraint upon them than what is imposed by their own sense of propriety. After a time the distinguishing features of our system were, one by one, adopted in other prisons, including those of Wakefield, Kirkdale, and Pentonville; and, in 1852, the Directors of the last-named establishment passed resolutions recommending:—1, Brisk walking exercise under such arrangements as will effectually prevent communication; 2, The abolition of the mask or peak; and 3, The discontinuance of separation in chapel. This recognition of the advantages of plans which had been pursued in this prison for nine years will, no doubt, be satisfactory to the magistrates under whose authority they were carried out; though, at the same time, they may justly question the fairness of a statement that, 'practically, neither the deterring nor the reformatory effects of imprisonment have ever had a trial on a sufficient scale to test their efficiency, excepting in the case of convicts under sentence of transportation.'[1] Surely the long-continued experiment in this prison has been sufficient, both as regards time and scale, to afford a test of its efficiency. Carried on simultaneously with the experiments at Pentonville and Reading, its good effects were as indisputable as they were extensive. I have been able to show, during several successive years, that of the discharged prisoners who returned to

ously urged by the Davies' Committee, the Richmond Committee, Messrs. Crawford and Russell, and many others, long before the separate system was legalized. The Separate System Act did not directly (though it did constructively) allow the separation of the untried. The notion, however, that it was un-English, unconstitutional, hard, &c. to deprive them of each other's company was very prevalent for some years. The example, however, set at Preston was speedily followed, and to herd prisoners together before trial is now the exception and not the rule. It will be readily understood that all indulgences compatible with proper discipline are given to the untried in their cells.—ED.]

[1] Fifth Report of the Surveyor-General of Prisons, page 10.

their homes (in the county), after undergoing the sentences of imprisonment passed on them at the sessions, upwards of 60 *per cent.* have given satisfactory evidence of decided moral improvement, or of complete and permanent reformation. And while thus, under Providence, producing these happy results, the PRESTON SYSTEM was not chargeable with consequences which, too often, attended the severer one. In one year, 1852, the medical officer at Pentonville reported cases of insanity, delusion, mental depression, &c. &c. 'rendering removal from the prison advisable,' amounting, in all, to twenty-two. *Upon no occasion whatever have we found it necessary—or even 'advisable'—to remove either a Government convict or one of our own prisoners for a similar cause.* I am justified in affirming, therefore, that not only have reformatory measures had a sufficient trial here, but that they have been followed by results which leave no doubt as to what ought to be the main principle of prison-discipline. The adoption and extension of that principle in preference to the *deterring* one, I presume to recommend once more—it may be for the last time. The past history of prison-discipline is little better than a history of the failures of deterring plans. Proof upon proof has been given that criminally disposed persons cannot be deterred, *i.e.* they cannot be restrained, from crime merely by the dread of punishment: they are only made more cunning and cautious. They have been taught to fear punishment more than to hate crime; and crime, therefore, they will resort to whenever they can persuade themselves—as they almost always can—that they shall escape its penalty. It is not creditable to the humanity or the religious spirit of the age in which it is sought to deter criminals rather than to reform them,—in which it is virtually declared, 'All we have to do with a thief is to inflict so much pain upon him for his offence as will save our property from his hands in future.' But the Christian thinks that we have to do something more with him; that it consists with true wisdom, no less than with the teaching of the Gospel, to attempt to save the poor outcast himself,—and that it really is of more consequence to rescue his soul from death than to preserve some trifle of our property from his grasp.

"The advocates for deterring processes did not, perhaps, reflect that—putting aside the question of humanity—there was little *fairness* in punishing with whips, and chains, and treadmills, and cranks, for the non-performance of duties which had never been properly taught; in taking

vengeance for violations of the law which are notoriously and confessedly generated in places which the law declines to meddle with. Society has acted towards its criminals as if they *would* not be otherwise, when, in fact, they scarcely *could* be otherwise.

"If it be true, as I think it is, that a reformatory prison should be regarded as a moral hospital, what ought to be the treatment of the patients? The question may be answered when their symptoms are understood; when it is ascertained that gross ignorance has to be enlightened; that hard hearts and thoughts have to be softened; that the sparks of humanity and of conscience have to be fanned by the breath of kindness; and that the dormant principle of religion has to be called into life by the earnest and judicious use of those means of grace which a merciful Providence places within a prisoner's reach. And though, at first, it may seem out of character to undertake the curative process indicated, in a prison—a place generally regarded as consecrated to 'the vengeance of the law,'—a little reflection will convince us that we have, whether duty or interest be consulted, no other choice. When the prisoner was at large, society neglected to instruct him in his duties, and he, consequently, did wrong;[1] but as society, nevertheless, expects that he will do better when he has been in a House of *Correction*, in order to satisfy that expectation it is necessary to give him the instruction which had hitherto been withheld. When the prisoner was at large, whether suffering or inflicting suffering, he was led to believe that no one cared for him, for his own sake: it is necessary, therefore, to disabuse his mind on this point; and, now that he can be got at, and not under unfavourable circumstances, an attempt must be made to convince him that his welfare, here and hereafter, is really desired and prayed for by thousands of the very people whom—prejudiced as he was—he had regarded with suspicion and dislike. When at large, he seemed to think that, being poor and 'no scholar,' he was not bound to the performance of the religious duties incumbent on the rich and educated. Here, again, the House of Correction must do its proper work. The poor home heathen, whom neither the parish minister nor the town missionary could reach, is, at last, brought into contact with the religious teacher, and may be prepared to receive the message of salvation.

[1] It must not be forgotten that of the thousands imprisoned each year, in this country, only two in a hundred can read and write properly.

"Now the treatment thus outlined is altogether reformatory. It is true that separation, order, and scrupulous cleanliness may be irksome to prisoners of the baser sort, and be, so far, to them, deterring; but by all those who are capable of moral and religious amendment, separation and order are felt and acknowledged to be reformatory.

"A few more years' observation of the effects produced by regular attendance at the service of the chapel adds to my conviction of its inestimable value as a reformatory power. To those who look on prisoners either as hopeless reprobates or cunning hypocrites, it is difficult to convey an adequate idea of the effect upon them of a religious service, which is made, as far as the instruments employed will allow, intelligible, interesting, instructive, and impressive. Convinced as I am, from long-continued observation, that the most depraved may be affected by a reverent feeling when brought into a place where everything around proclaims, 'this is none other than the House of God,' all means are sought for giving due and solemnizing effect to the daily and Sunday service of the chapel. Since I last adverted to this part of our discipline, the power of self-control exercised by the prisoners, during divine service, has been subjected to a test which supplies another proof that men, supposed to be altogether abandoned, have within them a germ of good, endued with hopeful vitality. When they see that they receive credit for good feelings, they are willing to justify the favourable opinion, and good feelings arise. For some years, a screen was placed in the chapel, which prevented the female prisoners, who sat in a gallery, and the male prisoners, who sat below, from seeing each other. As the good effects of our better discipline continued to develop themselves, it appeared to me that this screen might be dispensed with. It betokened mistrust and suspicion, and our object was to encourage voluntary self-restraint and willing reverence. The screen was, therefore, entirely removed; and never, for a moment, during the four years that have passed since its removal, has it seemed advisable to replace it. While dispensing, however, with this mark of mistrust, order and decorum are provided for, by causing the male prisoners to enter the chapel first, and, when they are seated—all facing the east—allowing the females to enter their gallery at the west. At the conclusion of the service the females depart first. Before better and holier feelings were appealed to in our system, the chapel screen seemed to provoke impropriety—shufflings of the feet, fictitious coughs,

'hems,' and other similar signals; all of which have ceased long ago; and no male prisoner has ever yet been seen to disappoint the confidence in his sense of propriety by turning his eyes towards the women's gallery. I cannot but think that conduct like this is very encouraging to every one who believes in the reformability of our criminals; and that it shows how desirable it is to discontinue all those unnecessary and irritating restraints which have been, and are, thought indispensable to a prison chapel.[1] When a prisoner, on entering his chapel, finds himself subjected to painful inconvenience, caged up in a separate box, in which he is compelled to *stand* during the whole service, and when the softening and elevating influences of music and psalmody have no place in that service, is it to be expected that anything like respect or affection for the house of God will arise in his mind? It is not in my power to express all that I feel and think on the subject of prison-chapel service. That it *ought*, as far as possible, to be instrumental in creating reverence and love for the Lord's day and for Divine worship in those who so much need every incentive to true religion—all nourishment in goodness, no one will venture to dispute; but no one, either, can dare to hope that anything like a spirit of devotion can be fostered under such circumstances of restraint and irritation as I have mentioned. It is well worth considering by every one who feels an interest in the treatment of our criminals, or in our Christian progress, that 100,000 offenders are discharged from our prisons every year; and that it cannot but be of the highest moment to themselves, to their families, and to the community, that they should return into the world with a grateful and abiding remembrance of Sabbath rest and instruction, rather than with recollections calculated to make the very name of Divine Service hateful.

"In nothing is the effect of our reformatory treatment more gratifying than it is in regard to the number of prisoners who offer themselves as communicants, and who, after careful examination, are admitted to the Holy Table. Before the introduction of our better discipline, I dared not invite the prisoners to the Sacrament, too well assured that no motives better than hypocrisy or bravado would actuate any who should present themselves; while a small number who might 'truly repent them

[1] The "one voice" with which our prisoners chant the responses of the Communion Service is affecting and impressive. An observant witness of their conduct in chapel would also be struck with the *simultaneous* turning of the leaves of their Bibles and Prayer-Books: an indication of real interest in the service.

of their sins, and intend to lead new lives,' were constrained by the wickedness of 'the men in the yards' to conceal their real feelings, and assume an appearance of depravity which, in reality, they had not.

"It is a matter of no slight moment that the practicability, under Providence, of reclaiming men from evil should be carefully and candidly enquired into; and if the issue of the enquiry should be encouraging, then —though it is almost superfluous to say so, it becomes a duty of the first consequence to take such enlightened and energetic measures as appear necessary to the desired object. Those measures would not be much longer delayed, if it were more generally known than it is, that, during the last ten years, nearly A MILLION AND A HALF *of our fellow subjects have passed through the prisons of the United Kingdom!* This mass of ignorance, misery, misfortune, and crime, cannot be *very* much lessened by prison authorities, or by the existing means of education; but it might be lessened considerably, if every one to whom Providence has allotted a happier position would endeavour to spread good influences around him, among those who need them. It will not do to reply, '*am I my brother's keeper?*' and assert irresponsibility: for it is written:—'*Whoso hath this world's good, and seeth his brother have need, and shutteth up his bowels of compassion from him, how dwelleth the love of God in him?*'"

From Report for 1855-6.

"'Reformatories for neglected children, but punishment for responsible criminals,' is the *thesis* of an argument with which, on many points, I am sorry to disagree. That criminal *children* are not responsible, but that *adult* criminals are, is a proposition which the experience of Gaol Chaplains does not confirm as being universally, or even generally, true. They know that the offences of the greater portion of the boys and girls who come under their observation are not committed, as the French code supposes, '*sans discernement*,' and that the sharp, cunning, *sober* 'juvenile' is quite as responsible for his acts as the grossly ignorant, stupid, and *drunken* adult for his. From all that appears in the offenders committed to a provincial prison like that of Preston, the boy's offence—contrary to what might be supposed—is more frequently a premeditated act than the man's; an offence which he knows will render him liable to punishment, which he also knows to be in itself wrong, and for which,

therefore, he is responsible. The man's offence is most frequently committed under the influence of drink, and is, so far, unpremeditated. Yet between the two classes, the younger and older offenders, an arbitrary line is to be drawn which would place them in totally different conditions —conditions which, on the one hand, would often confer unmerited and fruitless benefits, and on the other would, perhaps more frequently, inflict inappropriate, if not undeserved, punishment. The offender under sixteen years old, *sentenced* to a course of reformatory treatment, is to receive an education admirably adapted to his situation in life: his character will be carefully studied with a view to the correction of everything that may appear objectionable in it, and to the development of whatever seeds of good may be hidden under the uncultivated soil. He will not only be mechanically trained to habits of industry, but will also be made to understand their moral and material value. Religious knowledge will be imparted to his mind, and no pains will be spared to awaken religious principles and feelings in his heart. In short, he will receive such a real education as will qualify him for his proper place in this world, and prepare him for a better in the world to come. But if the delinquent should be sixteen years of age, or older, this civilizing and educational process is to give place to a 'short and sharp' deterrent one, which 'must have a bitter ingredient;' . . . 'repeated corporal chastisements frequent to the case requiring them;' . . . 'a punishment of three lashes a day for a week.'[1] However ignorant the culprit may be—since 'punishment is not education'—let him remain ignorant; however heathenish he may be, do not attempt to Christianize him, for if possessed of common understanding, he would not be able to reconcile his 'three lashes a day' with a religion which speaks of compassion for the ignorant, and of pardon for the penitent; all human feeling within him may be hardened, or, apparently, lost; but do not attempt to soften it or search for it, his short deterrent imprisonment will leave no time for such a purpose: he may have undergone hardship and misery when at large, to which, as he thinks, those who are better off have, all alike, been indifferent, and are, consequently, only deserving of his resentment and enmity; do not, however, let a word or tone of sympathy or commiseration disturb his dangerous prejudices; do not tell him, friendless as he may think himself, that

[1] "Punishment is not Education," by C. B. Adderley, Esq., M.P.

he is an object of brotherly care to many among the best of those whom he blindly hates. Do none of these things, for they are reformatory, and cannot consist with a system in which 'punishment' is the *sine quâ non*. While the prisoner is in a state of irritation and anger from the smart of 'sharp' deterrents, it is inconsistently expected that the Chaplain should reform him! But the Chaplain is not in the right place amidst whips, cranks, tread-wheels, and other instruments of bodily pain, and he feels that the message of mercy with which he is charged cannot be effectually delivered to the prisoner when everything about him savours of spite and vindictiveness. . . .

". . . . Nothing can deter a drunkard. However guarded and circumspect in his sober intervals, when sense and feeling, caution and cunning, are all drowned in liquor, neither the fear of imprisonment, nor of penal servitude, nor of the gibbet itself, can hold him back. It is not that drink makes its miserable slave forgetful of these deterrents; on the contrary, he has them in his mind; but he dares any, or all of them, in the determination to gratify the drunken passion of the moment. The drunkard, Davis, executed a few weeks ago for 'the Ball's Pond murder'—a wife-murder—said to the police who apprehended him, that he 'was ready to give himself up to die for what he had done;' and hundreds of similar avowals by drunken men guilty of similar crimes prove that the most 'formidable' of all deterrents, the gallows, is altogether powerless when it has to contend with the common, every-day influence of drink!

". . . . In thus advocating reformatory treatment, I desire to guard myself from the suspicion that I object to *punish* for crime On the contrary, I have always earnestly recommended a discipline which has been represented as insupportably severe—the discipline, I mean, of the separate cell. To prisoners of every class this discipline is—for a longer or shorter period—hard to bear; and by the hardened profligate, who refuses to profit by the religious instruction held out to him, it is severely felt throughout the whole term of his imprisonment. He therefore will be left solely to the deterrent power of his cell, and will serve as an example of what mere deterrents can effect. Even to the better disposed prisoner, the cell, as I have said, is, at first, terrible, and he would gladly exchange it for a little society with his fellow prisoners. But, treated as a reasonable being, persuaded, as he easily may be, that his real welfare is the object of those who have charge of him, he is soon led to acknowledge that if

he were indulged in his wish, the conversation of the society he longs for 'would be about nothing good,' and that it is better for him, in every way, to be safe in his cell from the corrupting influence of such conversation. To his cell, therefore, he is soon reconciled; and as his religious and mental capabilities are developed, he becomes grateful for the seclusion which, at first, was painful to him. Well as he may have adapted himself to his position, however, he is still made to feel that he is undergoing punishment. The compulsory silence, the strict enforcement of order, cleanliness, and obedience, the incarceration itself, all these provide the penal element in his treatment, and are sufficiently marked as penal to his own apprehension; though they do not excite the irritation produced by lashes and cranks, and are quite in accord with the religious and reformatory appliances which the Chaplain desires to place him under. . . . .

"Prisoner-communicants are set down by persons who have no belief in prison reformation, as ignorant and indifferent recipients of what they neither comprehend nor respect; or as sly hypocrites, only desirous of obtaining the Chaplain's favour. I have been made sensible, to my great regret, that not only have some of my brother Chaplains doubted my discretion in admitting such large numbers to the Lord's Supper, but that gentlemen acting as visiting magistrates to the prison have also questioned it. The latter, however, whose knowledge of our discipline is only of recent acquisition, have, on better information, dismissed their doubts. Still, we have to contend, in this matter, with much that is adverse in public opinion and feeling. The Gaol Chaplain—the humble missionary to the country's imprisoned home-heathens—is regarded as a man whose request for a hearing, on the plea of many years study and labour in the work assigned to him, is not to be listened to, because it is 'pooh pooh'd' by some clever 'leader' sparkling with racy illustration and bristling with pungent sarcasm, but, to those who understand the matter, betraying a total want of accurate information.

"It must be, obviously, rather disheartening to know that such want of confidence in prisoners' better motives and in Chaplains' judgment exists; but it would be yet more so were the want of confidence the result of any fair enquiry into the subject. . . . . The question should be answered—'*were these prisoners aware of the nature of the Sacrament, and were they religiously disposed?*' I answer that they were aware of the nature of the Sacrament, and that they attended upon it with a good motive. Notice

was given, according to custom, a fortnight previous to the administration; and the prisoners desirous of attending were expected to give in their names at least nine days before the time appointed, in order that they might be examined and otherwise prepared by the Chaplains and school-masters. With the lists in my hand, I visited and conversed with each prisoner separately, on the subject of the Sacrament; and I believe that, in nine cases out of ten, the prisoners were clear in their views of it, regarded it as a means of Grace, and were disposed to receive it as such. In the majority of cases the answers of the prisoners were very good; some of them evidently knew the Church Catechism, and most of them, I honestly believe, were sincerely penitent, and well aware of the step they were about to take. True—some of the candidates were hardened villains who would have attended the solemn rite merely 'for a lark,' but their names were erased from the list without a moment's hesitation, and notice was given them that, under no circumstances would they be allowed to attend. Some also whose characters had been marked 'satisfactory' in the 'Conduct Book' were advised, on account of their lamentable ignorance, to refrain; and in every instance, where there was the least doubt as to the motive of a candidate, he was brought into the Chaplain's room two or three times, and examined and re-examined as to his reasons for wishing to communicate. . . . . If it be asked—as it has been—whether all these communicants gave such subsequent proofs of religious stability as preserved them from re-committal to prison—I must answer 'no.' A few, but very few, have again been led into drink, and so have fallen again into crime.[1] But notwithstanding this, I have still had no doubt that, at the time they presented themselves at the Holy Table, they 'stedfastly *purposed* to lead a new life.' And I would ask—in my turn—have we better grounds for condemning the whole body of our prison communicants, because of the frailty of one or two, than we have for distrusting the worthiness of the communicants in an ordinary congregation, when some startling revelation strips the cloak from one of them, whose respectability had never up to that moment been doubted?

[1] When I have enquired from one of those backsliders the cause of his relapse, the answer has been a similar one in almost all cases—and in almost all cases ascertained to be true:—'I was steady for more than six months after I left this place, and then I had the *misfortune* to fall in with an old companion, who 'ticed me to have a glass, and so this job happened.' In cases of this kind my earnest advice, 'try again,' has been generally followed, and, by God's blessing, often with permanent success.

I have seen enough of human nature among the praised and the despised, the 'well off' and the destitute, the occupants of high places and the tenants of prison cells, to justify me in believing—strange as such a belief may seem to some minds—that in the eyes of the ALL SEEING the communicants in our prison were as 'worthy' as the communicants gathered from the most fashionable congregation.

"Before concluding this long argument for relying on reformatory influences, I would guard myself from the suspicion that I approve of anything savouring of material indulgence, or pampering, which I regard as altogether inconsistent with reformatory principles—and indeed as quite subversive of reformatory influence. In the last year of our contract relating to Government prisoners, printed copies of a 'Notice to Convicts' were sent from the Home Office to be placed in the cells appropriated to them. This notice held out to convicts that, on gaining the third and fourth stages of discipline on '*public works*' . . . . 'some addition to their dinner on Sunday, *including half-a-pint of beer*, will be allowed.' After careful consideration, the visiting justices withheld these notices, which seemed to appeal to low and merely animal motives for good conduct. It could not be denied that they gave the sanction of high authority to a habit which produces three-fourths of the crime of the country, and would tend to keep alive in many convicts a propensity for the liquor which had demoralized and ruined them.

"The appeal to motives of this lower character fills me with all the more regret, since it betrays an absence of that reliance on the power of Christianity which should mark every effort to reform criminals; an absence which at once discredits the religion we profess, and foregoes the use of the most promising means of attaining our great object. Men may keep their evil tendencies under control by the apprehension of forfeiting the good dinners which reward their self-restraint—as long as the good dinners are attainable: they may be trained to industry—and under no circumstances should such training be dispensed with—but mere industry in itself scarcely reaches the rank of a moral virtue: it will not act with the preservative power which is created by a reverence for the Divine Law; and, as the end and aim of prison discipline, will be found wanting. Nothing short of the conversion of the criminal to the service and love of God can effect the great object of punishment—the repression and prevention of crime. Unfortunately the possibility of such conversion has

been too long regarded as one of the dreams of credulous enthusiasts. But their credulity is neither so discreditable, nor so hurtful, as the incredulity which refuses to believe that the goodness of God is always ready to lead sinners to repentance. That incredulity is injurious to the interests of society and to the honour of religion, and it is discreditable to the sceptics themselves to reject, without enquiry, the evidence which abundantly proves that reformatory prisons are instruments, under Providence, for bringing the world's outcasts into the shelter of Christianity. It is hard to understand how so much want of faith in the possibility of reforming our home heathen can consist with that confident hope which devotes wealth and zeal without stint to the evangelizing of the distant heathen. This, no question, should be done, but the other should not be left undone. Whatever may be the claim of the swarthy, unconverted natives of an opposite hemisphere, it is not a *better* claim than that of our own countrymen who, though nominally 'of the household of faith,' are yet 'lying in darkness and the shadow of death.' The inhabitants of Hindoostan are not a people '*prepared* for the Lord,' as the neglected natives of the British Isles *are*. Before the Hindoo can receive the truths of the Gospel, his mind and soul must be cleansed from the foul and execrable corruptions of an obstinately cherished and cruel superstition; a superstition presented to him and reverenced by him as a true religion, and transmitted to him, as he believes, through numberless generations. It is very far otherwise with our benighted millions at home. Their minds are not loaded by inveterate prepossessions adverse to the doctrines of the Gospel. They know that Christianity is the only faith entitled to their respect; and, even in the depths of their ignorance, they believe that they ought to embrace it. The light of the Gospel, humanly speaking, can only penetrate the minds of the Mahommedan, the Brahmin, or the Buddhist, as the beams of the arctic sun slowly struggle with the lingering darkness of an arctic night. The same Holy Light may be brought at once into the heart of a neglected brother, and drive the shadows from it as the sudden sun of the tropics awakes, in a moment, to brightness and joy every creature on which its rays are poured.

"It is, indeed, a truth, which more than thirty-six years' ministry among the ignorant and erring has deeply engraved on my mind, that our wandering brethren may, by God's blessing, be brought home more easily than many hearts anxious for such a mercy would dare to hope; for, I

would ask, is it difficult for those who live at ease, oppressed by no, or few, sorrows for the past, and by no cares for the future, to show compassion to the ignorant and those who are out of the way, not so much by cold gifts of money as by the exercise of that charity which is sweetened by kind words fresh from kind hearts? Is it difficult for those who have received the gift to exhibit in their own exemplary practice the inestimable benefits which religion confers on all who embrace it truly? Is it difficult for those who are charged with the promulgation of the Divine Law and the message of Divine Love to follow the directions of the Apostle, who 'would have such language spoken to the people in the church as they might understand and have profit by hearing the same?'

"The predominant character of our prison population supplies one good reason, among others, for adhering to our own prison systems in preference to any of those, under trial in other countries, which have been admired by English travellers and recommended for English imitation. To say nothing of the want of previous knowledge of the best English systems which generally accompanied the admiration of foreign plans, it will be sufficient to point out that the most celebrated and the most praised of these, that which M. Obermaier instituted in the state prison of Munich, has many elements in it discordant with English feeling, and altogether unsuited to the general circumstances of English prisoners. M. Obermaier is certainly entitled to the highest praise for his endeavours to found 'a system of prison discipline, based rather on pity than harshness, and appealing to the nobler, and not to the brutal, instincts of human nature.'[1] His eulogist is struck with the 'great relaxation of ordinary prison precautions,' and 'the confidence' reposed in the prisoners; 'even a guard,' he says, 'of twenty men with loaded arms is a sufficient protection; and though the men were to escape, it would not be possible for them long to avoid recapture.' . . . 'Few of the men wore chains;' although it appears that, among other descriptions of work carried on, the prisoners 'forge their own chains.' . . . . 'The governor walked about with a walking-stick, and his sole escort was a pet dog of enormous size.' It is almost unnecessary to say that the confidence placed in our prisoners is not less than that placed in the prisoners at Munich; for example, 60 men in a workshop, at the latter place, appear to be the greatest number trusted

[1] "Prison Discipline, by C. M. Obermaier, with a prefatory notice by Alex. Baillie Cochrane."—(Ridgway, 1853.)

together; we often have had 130 in our workroom, under the charge of a single unarmed warder. Our confidence in prisoners is not fortified by the presence of twenty soldiers armed with loaded muskets; chains have been totally abolished for fifteen years; and our Governor, in his daily rounds, does not require the escort of an enormous dog. But besides these precautions against the possible consequences of too much confidence and relaxation in the Munich system, other precautions are resorted to which would be especially objectionable to English ideas. For a knowledge of these I am indebted to a friend who has devoted very many years and the highest abilities to the study of prison discipline, and who examined that of Munich by the light of an experience gained in the personal inspection of every system which has put forth a claim for efficiency or approbation either in England or on the Continent.[1] In a letter with which he favoured me, M. Mittermaier writes—'Obermaier thinks that the best means of reformation is continual occupation; and he inspires the fear in every prisoner that every breach against the rules of discipline will be surely discovered and severely punished. In every sleeping and working-room one or two prisoners are appointed privately by the Governor to report to him the bad behaviour of the prisoners. In this way M. Obermaier knows well the character of every prisoner, and his projects. Every prisoner may be sure that nothing is unknown to the Governor. For my part I do not approve this system; it produces immorality in the monitors, hypocrisy and a spirit of revenge against the prisoners who betray their comrades. I cannot find (in it) a guarantee for a moral reformation.' Most certainly no moral reformation can result from a system under which the prisoner feels that every offence he may commit will be betrayed to the Governor by some secret spy among his fellow-prisoners, and be followed by severe punishment. Nothing good can be obtained from such a combination of terror and *espionage*.[2]

[1] M. Mittermaier, of Heidelberg, President of the Chamber of Deputies of the Grand Duchy of Baden.

[2] The valuable communication with which M. Mittermaier favoured me contained an account of the prison system adopted at Bruchsal. "I was highly surprised," he says, "by the good effects of this system, although I have not changed my opinion that the separate confinement for six years is dangerous. It is true that the health of the prisoners in Bruchsal is good, and the number of cases of insanity is small. The prisoners told me that if they had the choice between absolute isolation and prison company they would prefer the former; but I suppose many of the prisoners speak not with veracity. . . . The greatest progress at Bruchsal is made in instruction in several sciences

To Sir J. S. Pakington.

"Preston, 17th February, 1857.

". . . . [After referring to some parliamentary criticisms on his conduct]. It is frequently, and I believe truly, said by our prisoners that they are 'happier than they have been for years;' and the Chaplain, whose great object and duty is to bring into action every moral and religious feeling of which they may be capable, knows from experience that, in proportion to the development of such feelings, the prisoner becomes *really happier*. Should it be objected that a prisoner, as such, has no right to be happy, that his being so is inconsistent with the penal and deterring principles which are, by many, regarded as of the first importance in prison discipline, I must plead—as one charged with the spiritual interest of the prisoner—that it would be nothing less than sinful, for the sake of vindicating such principles, to interrupt the working of that blessed influence which is bringing peace to his breast, and making him 'happier than he ever was in his life.' No Christian mind will feel regret

and arts. The prisoners receive, every week, two lessons in Geology, Chemistry, in all branches of Natural History, in Geometry, and in the art of Drawing. I was much pleased to see that the prisoners are thankful for this great mass of useful knowledge which inspires better sentiments, procures consolation, diverts the mind from melancholy, or worse thoughts, and becomes important in the future condition of life." M. Mittermaier gives an account of the Italian prisons which would be of interest, were it only to show how the prison discipline of a State advances with its political institutions. "In Italy," he states, "the penitentiary system is well appreciated. I speak not on the state of the prisons in Naples and Rome, but of the prisons in Tuscany and Piedmont. In Piedmont a mixed system is adopted; and two prisons newly constructed at Alexandria and Oneglia are organised in a manner that all prisoners must undergo separate confinement for some time, and that at the expiration of this term, they work together, in silence by day, and during the night are in a separate cell. But if the conduct of a prisoner is bad, and his influence on the others dangerous, he is kept in a separate cell day and night. In Florence the new prison is conducted on the principle of absolute separation. Every prisoner works in his cell, and does not leave it during (the performance of) the Divine Office, which is celebrated at the end of the corridor,—the doors of every cell being open."

[M. Mittermaier ends his letter thus:—"I feel more and more the intimate connexion of the prison system with the principles of Criminal Law, and with the social, moral, religious, and political state of a country. Your report is a very model for every report on the state of prisons. It is a great pleasure to me to quote expressions from your reports, and to fix the attention of legislators upon their importance." Mr. Clay was not thoroughly acquainted with the principles on which the Munich Prison was governed, or he would probably have formed a more favourable opinion. See some notice of this prison in the following chapter.—ED.]

that an offender has been brought to a better way without having undergone all the material suffering which, it might be thought, strict justice required. Whatever happiness may be felt under discipline like ours by the penitent offender, the hardened one has none. For him, 'nice green walks,' 'good warm food,' 'and a good bed to lie on,' cannot compensate for more than twenty hours' seclusion out of the twenty-four in a separate cell, for a perpetual and stern restraint on lips, eyes, and hands, for (to *him*) the irksome order, cleanliness, and propriety constantly enforced upon him under severe penalties. Our 'green walks' are merely exercising grounds, in which the paths are carried round grass centres; our prison food and bedding are only what the Gaol Acts imperatively require; last year, when the price of food was high, the former cost two shillings and a halfpenny per prisoner per week.

"Acting, as we have endeavoured to do, upon reformatory principles rather than upon deterring ones, we have always resisted, at the same time, the growing tendency to bribe convicts into penitence by holding out the prospect of indulgence to their grosser appetites. If we cannot make them feel 'that virtue is its own reward,' we do not tempt them to assume the appearance of it for the sake of prospective rewards of additional food, and an allowance of beer. A few months before the termination of our contract with the Home Office for the care of fifty 'government convicts,' new printed notices were sent to us to be placed in their cells. These notices contained, chiefly, information as to the convict's future at public works. . . . Convicts were told in these papers, that on reaching the '*third stage*' some addition to their 'dinner, *including half-a-pint of beer*, will be allowed,' and that in the '*fourth stage* an occasional variety of diet will be permitted.' These notices appeared to me worse than questionable. They not only sanctioned the idea that beer was necessary to, or desirable for, the labouring man, but they would keep alive a taste which almost every convict has indulged in to his ruin—a taste for the very thing—perhaps the *only* thing—that had led him into crime! I felt so much repugnance to this beer-bribing for good behaviour, that I brought the subject under the consideration of our visiting justices, who declined to issue the notices. I ventured still further, by trespassing on the courtesy which I had often received from Sir George Grey, and respectfully representing to him my grounds for apprehension on the matter. . . . [After again alluding to the strictures in Parliament on his

conduct.] I have been, I doubt not, over sensitive in this matter; but will you kindly bear with me a little further, while I explain, that for seven years we had the constant charge of these fifty 'Government convicts,' *each* of whom required, from the Governor and myself, a degree of attention demanded by very few of our own prisoners. In regard to the convicts, we were under a double responsibility: first, to Colonel Jebb's department, and next, to our own justices. I do not hesitate to say, that these fifty convicts, collected from all parts of the kingdom, and each of them remaining with us nearly a year, occasioned to us more solicitude than our own county prisoners, whose average detention rarely exceeds three months: and all this additional care and anxiety were given gratuitously.

"May I trespass upon your kind patience yet further, upon a matter which, connected as it is with my dealings with our convicts, bears directly upon the important subject brought before the House of Commons by Mr. Napier. No one can be more acutely alive to the necessity for a *minister of justice* than an old Gaol Chaplain. It has been painfully impressed on my mind, for many years, that while juries are directed to acquit where there is any doubt of guilt, nothing short of the absolute demonstration of entire and perfect innocence can (except in capital cases) operate in favour of an accused party when sentence has once been pronounced. I dare not say how many prisoners have been known to me who have been entirely innocent of crimes laid to their charge."

From Evidence before the Bishop of Oxford's Committee on Capital Punishment, 1856.

". . . . There was this injurious effect too, that in Lancashire, twenty or thirty years ago, as even now in Ireland, there was a tendency to make martyrs of those who were executed. I remember some men being executed for burglary, with violence, at Lancaster, about the year 1824. Their bodies were given up to their friends, and they were brought from Lancaster to the neighbourhood of Preston; and the friends of the executed men made a show of them during the whole of the Sunday which followed the day of their execution, and collected a very large sum of money. That is obviously a state of things which cannot but demoralize the people in many ways. I cannot but think that if criminals were

executed within the precincts of the Gaol, and their bodies interred, also, within the precincts of the Gaol, it would be a beneficial change in every respect, both as regards the criminal, and all the bad characters who, under the present system, are supposed to be deterred by the sight of public executions. I am persuaded in my own mind that the imagination of an evil-doer would draw a far more impressive picture of an execution taking place under such circumstances, than would be actually presented to his eyes in public. I once saw an execution, and before seeing it, I had great misgivings as to whether my nerves would stand it. I expected I should faint, or feel very unwell, and to my own great surprise, and I may say, in some measure to my own disgust, I felt nothing of the kind. I saw a couple of murderers hung, and I must say, that the effect upon my own nerves was nothing compared with what I expected; but I am quite sure that had I been told that the men had been executed, with certain circumstances of solemnity, and so forth, I should have thought a great deal more of it; and it has occurred to me, that if, after executions within the precincts of the Gaol, the criminals were interred within the Gaol, and sombre-looking gravestones, with short emphatic inscriptions upon them were also put up, and opportunities were given to the prisoners who came into that Gaol to see those stones incidentally, not being taken to them as a part of the routine; but if they were allowed to see them, I think it would have ten times more effect upon such evil-doers as find their way into a Gaol, than the sight of a public execution. . . . I would propose that it should be made known to the public by some authoritative announcement in the Gazette, and that an affidavit to that effect should appear, signed by the under-sheriff, gaoler, surgeon, and others, whom it might be thought necessary to have as witnesses."

CHAPTER VI.

THE PRINCIPLES OF CRIMINAL LAW, AND THE PRESENT PENAL SYSTEM IN ENGLAND.

It would have been premature to discuss the principles of penology in the earlier stages of the history of English prisons. But at the juncture now reached, some examination of these principles is both opportune and indispensible. By degrees, imprisonment has almost supplanted every other method of secondary punishment; yet penology has become a more complex, not a more simple science in consequence. To devise as antidotes to the various forms of crimes, corresponding forms of imprisonment, is the by no means easy problem into which the Criminal Question has gradually shaped itself. Before describing, therefore, the partial solution of this problem in England, it will be necessary to indicate how far true principles are now acknowledged and acted upon in English criminal law. In a previous page, in a criticism on Carlyle's *Model Prisons*, the subject was incidentally and imperfectly discussed. A somewhat more formal examination of it must here be attempted.

The phrase, "God's world," now so frequently in the mouths of the deepest thinkers of the day, (and of course echoed by crowds of half thinkers), is the expression of a great truth, which is already shining in noon-day glory on the minds of a few, and dawning on many more. We are, in fact, at last learning that God is the ruler of this world, as well as of the next; that His wish is to save mankind, not only from punishment hereafter, but from sin and darkness, and labyrinthine

error here. We are at last beginning to believe that the Saviour came to save, not only men's souls, but literally, the world; to redeem, not only religion from all forms of idol- and devil-worship, but also science from intellectual arrogance, commerce from naked selfishness, politics from mundane craft, and law from unjust expediency.

When this truth is fully recognised, we shall at last perceive that all the problems, which mankind has to solve, resolve themselves into this,—first, to discover God's will, and then in all meekness to obey it. When we accept this as the real work given us to do, we shall try to make *our* laws the humble reverent copy of God's laws, *our* justice, as far as human infirmity permits, a facsimile of God's justice. This is no recently discovered gospel. If men had not persisted in reading the Bible as a mere religious book, that is to say, a book of which the main, perhaps the only, purpose was to help them to save their souls from future punishment, they would have found out this truth long ago. The doctrine is very clearly laid down (to instance one passage out of many) in the thirteenth chapter of the Epistle to the Romans. This passage has hitherto been chiefly used (or misused) to serve as a scriptural authority for preaching the divine right of *de facto* rulers; but happily this misinterpretation has gone the way of much theological lumber now. St. Paul defines a ruler as, "not a terror to good works, but to the evil." If the Tory divines had inwardly digested this definition, they might have discovered that the Apostle was speaking, not of the brute Imperator of the putrescent Roman empire, but of an ideal ruler, a true "minister of God," in some Christian state of a redeemed Cosmos; and that his words, therefore, were never meant to prove the divine right of tyrants. In St. Paul's legal philosophy, the "higher power," the head of the state, is the minister of God, and armed with God's prerogative, the power to punish; "he beareth the sword."

For eighteen centuries this doctrine has been, and still is, almost in abeyance. The nearest approach ever made to a practical acknowledgment of it was in the palmy days of Romish priestliness. In those days, when the priest had assumed the office of judge, and ecclesiastical law was almost

the only makeshift for justice which the people possessed, some version, or perversion, of the great truth, that the laws of God should be also the laws of the people, obtained a quasi-recognition. In theory, at any rate, the priest-judge was the minister of God, not the salaried servant of the nation. In theory, at any rate, the law he administered was based on theology; and with him, therefore, a text was as good authority as an act of Parliament. When, however, the people rebelled against the tyranny of the priest, they gradually and unwittingly abandoned the creed of the priest. In the reaction against the ecclesiasticism, which had oppressed every science and profession, religion was expelled from everything secular, and strictly limited to what was spiritual. In the general severance between things secular and things spiritual, an estrangement, of course, grew up between law and theology. The estrangement, however, was only slowly effected. The old Protestant lawyers, in their quaint citations of cases from the Bible, side by side with others from the Text-books, betray some remnants of faith in the mediæval doctrine, that there is a God that judges the earth. Nay, to the present day, there are still various phrases, old antiquated symbols of God-fearing reverence, in our forms of judicial procedure, in which we recognise the fossil remains of an extinct creed. But within the last half-century, men have risen up to quicken into new life the obsolete faith, and once more to preach God as the Lord of Earth as well as of Heaven, of things secular as well as of things spiritual. Foremost and most effective among these have been, each preaching in his own peculiar fashion, Thomas Arnold and Thomas Carlyle.[1]

It is only, however, in the ecclesiastical law of bygone times, that any pretence has ever been made in England of accepting the doctrine which St. Paul preached. In both the earlier and later forms of feudal law, no principle was acknowledged but force. Might was identical with right. The small ruling class

[1] I am not going to recant what I have said in a previous page. Carlyle has grasped the main principle that God's law and justice should be man's also; but my somewhat irreverent protest was entered against his definition of Divine justice, which he represents as vengeance and not as equity.

first secured their own interests, and then allowed their inferiors to pick up what crumbs of justice they could under their tables. The Italian school of jurists, of whom Beccaria was the founder and representative, made the discovery that it was true prudence for the individual members of a state to constitute a power which should protect them from each others' encroachments. The bond of mutual interest upon which this power rested was defined as justice. Or to state the matter in another form, to protect society, that is, the ruling majority, was the sole function of the law. This conception of justice might have been, and in fact was, anticipated by pagans. The Italian jurists made no pretence of acknowledging the doctrines of Christianity. "I do not by any means," says Beccaria, "speak of the justice of God, which is of another kind, and refers immediately to rewards and punishments in a life to come." Paley, his disciple and plagiarist in England (from whose philosophy and theology, too, Christianity is almost wholly excluded), takes the trouble to devise some feeble reasons to prove that human justice, not only is, but also ought to be, something quite different from Divine justice. The Benthamite philosophy was merely a development of the Beccarian—a development, however, in the right direction. It was, in fact, a more liberal and catholic selfishness. Starting from the axiom that the object of justice was to secure the greatest happiness of the greatest number—a higher object this, than the protection of society—he claimed for the offender, that his happiness should not be destroyed one whit beyond what would confer more happiness than he lost on the community at large. His sufferings were to be strictly proportioned to the benefits which society derived from them; but on no account was he to forfeit more happiness than his fellow-men gained. Paley would have hung a man the moment he was convinced that his death was the surest way to protect society from his future crimes; (and consoled him with the reflection that he was a martyr for his country.) Bentham would have inquired, whether the sum total of human happiness, including the felon himself in the category of humanity, would be increased, or not, by his death, and then have decided accordingly. From the greatest-happi-

ness-principle, the elevation of reformation to its rightful place, as the prime element in punishment, followed as a logical consequence. Paley, on the other hand, and as we have seen, Whately too, regarded it as a dubious alternative, less likely to be efficacious, and therefore to be made less use of, than disabling or deterring penalties.

Putting aside then ecclesiastical law, we perceive that the theory of punishment has passed through three stages. In all three, selfishness was the main principle; but in the first it was the selfishness of the minority, in the second the selfishness of the majority, in the third the catholic selfishness of the entire community. In none of these stages does Christianity form an element of the theory; but still there is a gradual approximation to Christian principles, and therefore a fuller accomplishment of the end aimed at—the comfort and happiness of society. As selfishness becomes more wise and refined, it becomes more efficacious, too. The Paleian system would produce more happiness than the feudal, the Benthamite more than the Paleian. It is dangerous to make a motive so stupid, greedy, and purblind as human selfishness, the main-spring of action. Nevertheless, if men were endowed with consummate wisdom, they might create for themselves, on purely selfish principles, some kind of cold-blooded Utopia.

In the penal theory of St. Paul, now once more accepted by a small minority (in consequence of the recent re-discovery that this is God's world), selfishness forms no element. To execute God's laws is simply the sum and substance of his system. That the result would be the "greatest happiness of the greatest number," is a matter on which no shade of doubt ever crossed the Apostle's mind. In unalloyed selfishness, mankind could discover no wiser course than simple obedience to the laws of God. And this is especially true with regard to criminal law. To administer His justice, is the surest, nay the only sure, means for repressing crime. Other devices will but aggravate the evil.

Of course, the idea of simply obeying God's Word and Will is regarded as wholly unpractical. "It may be all very well," it is said, "in theology, but quite visionary in law, politics, &c."

Until men clearly understand that true theology is the all-inclusive science, of which "law, politics, &c." are but branches, such opinions will be propounded, in the name of common sense, as infallibly sound. Yet their soundness is not easy to reconcile with the truth of Christianity. The individual Christian, who lives in simple obedience to his Master, expects (being duly warned by his Bible) to incur suffering and loss at the hands of others; and the reason why is plain. He is living at variance with the established principles of action. "The world (to wit, disordered Cosmos, fallen this long time into sin and incipient Chaos) hateth him because he is not of the world." He lives in defiance of the prince of this world—prince *de facto*, and not as generally supposed *de jure*—and has to smart for his opposition. It is the same with a nation. If England were to adopt God's laws as the basis of her foreign policy (for the sake of the illustration, the reader will excuse the wildness of the hypothesis), her imperial and other allies would probably gain over her some temporary advantages. But with respect to her home policy, the case is entirely different. It is only in relation to his ungodly neighbours that the individual Christian expects to suffer for his religion; he has nothing to fear from himself. The case of the nation is precisely similar. In her internal administration England has, of course, nothing to ask from the forbearance of other countries; her national religion, that is her faithful observance of God's laws in her own home government, can never be the cause of national suffering.

It is the wish of the Christian philosopher to see the laws of his country framed, as nearly as possible, in accordance with the known will of God. He believes that every reason and pretext, which can possibly be alleged, to prove the expediency of any deviation whatsoever from that Will, is unsound, and that the deviation, if ventured upon, will lead to disastrous issues.

Now the theologians (and once more be it said, that legislators have but to apply the principles of true theology) have laid down four propositions with regard to God's law of punishment—three of which should form the basis of a nation's penal system. To cut up a great truth into propositions is always an unsatisfactory process; the logical anatomy seems to kill out the

force and the life; besides, it is impossible to make the propositions exhaustive. But in this instance we must abide by the propositions in question, for the sake of clearness. The first of them is this;—that sin is often followed by penal suffering, in the natural order of cause and effect. The shattered nerves, the broken health and the early grave of a drunkard, for instance, form the *natural* punishment of his sin. In accordance with this we believe that heaven and hell, respectively, will be the natural results of righteous and sinful lives upon earth. But this great principle, of course, cannot be reproduced in human jurisprudence; the legislator has no concern with it. The eternal self-enforcing law, which developes sin into suffering, needs no help from a human administrator. Sometimes, unfortunately, when philanthropy sinks into sentimental folly, it ventures to meddle with the operation of this law, and to save the sinner from his appointed misery. Evil, however, in one shape or another is the sure result of such an interference. But besides this great fundamental principle, there are three others which the "higher power" among men, as the minister of God, is bound reverently to imitate. 1—In this present world, at any rate, besides the penal suffering which sin almost infallibly entails, we perceive what may be called a "supplementary justice" in God's dealings with men. Not only are sinful habits and sinful principles left to work out their own woe, but meet punishments are likewise arbitrarily assigned to sinful acts. Sometimes God Himself awards the penalty; as when He sends Elijah to pass sentence of death upon Ahab in the vineyard of Naboth; but in the ordinary course of His providence, He delegates the right of dealing out this supplementary justice to His human ministers; He appoints them His "revengers to execute wrath upon him that doeth evil." This then is the fundamental principle of human justice. Not for the protection of society, not for the "greatest happiness of the greatest number", (though ends like these will be surely accomplished), but in the name of God, the judge should sentence and the executioner strike.[1] Once establish this founda-

[1] The office of the executioner would never have sunk so low, if we had remembered that he is the minister, not of our ignoble selfishness, but of Divine

tion-principle, and human justice will never run again, as it has run heretofore, into damnable injustice. This once acknowledged, we shall easily arrive at what ought to be the second and third principles in human justice—principles which, in all truth, are amply sufficient to regulate the entire administration of criminal law. 2—That the amount of guilt should be the measure of the punishment; this will save us from inflicting unjust cruelties in the unholy attempt to "deter by example." 3—That the object of punishment should be at once to expiate the guilt of the offence, and to lead the offender to repentance; this will save us, on the one hand, from maudlin benevolence, and on the other from the wickedness of so treating the criminal as to harden and degrade him.

These three principles form the true basis of criminal law. It is not intended here in any sense to prove their soundness, but taking that for granted, simply to offer a few suggestions on the method of application.

One objection, however, should be noticed before proceeding, for it lies on the threshold. The maxim that the object of the law is to protect society, is commonly defended by the argument that the state takes no cognizance of offences till the interests of the community are at stake. It is true that, as a rule, all other offences generally escape both the legislator and the judge: at the same time there are exceptions to the rule, even in England, where Sabbath-breaking, common swearing, &c. are, to this day, statutable offences, though their prohibition does not, in the ordinary sense of the words, afford protection to society. But the argument will not bear examination; for the truth of the matter seems to be this, that the state undertakes to punish those crimes which, from their magnitude, it would not be proper to suffer individuals, or the vague power of society, to deal with. But for her interference, the strong offender would escape, and the weak one suffer an over-measure of vengeance. When the

justice. The office involved no degradation in the old times, when "Samuel hewed Agag in pieces before the Lord in Gilgal." Truly, between Samuel in Gilgal and Calcraft in Horsemonger Lane, there is a wide gap; but not much wider than was the great gulf between the criminal law of God and the old criminal law of England. However, that gulf is narrower now.

state refuses to let the individual take the law into his own hands, to protect the criminal from savage revenge, or to ensure the infliction of a righteous penalty is the primary object; to prevent the recurrence of similar outrages, the expected result. To see justice done between man and man is the purpose of her interposition, the protection of society the consequence.

But to return to the three principles. To make them the frame-work of our criminal law, we must wholly repudiate Paleian and Benthamite theories. But the question now arises, —must we at once accept instead the doctrines of the modern philanthropic school? This editor, questioning with great diffidence the opinions of men whom he deeply reverences, is prepared to answer that we must not, without due qualification.

A thorough reaction against the un-Christian (or at any rate the non-Christian) treatment of criminals set in early in the present century, and has now almost reached its height. Men like John Clay, Alexander Maconochie, and Matthew Hill rebelled with their whole souls against the utter selfishness, folly, and injustice of the established principles and practice of English criminal law. They saw that the state herself, by her *vicious indifference* (which even law commissioners class as equally guilty with *direct criminal intention*) fostered crime. She protected drunkenness for the sake of revenue; she suffered pauper children to be bred up to delinquency in pernicious workhouses; she left the poor in heathen ignorance to battle with endless temptations; and, therefore, they questioned her right to punish crimes, in the guilt of which she shared herself. They saw that the upper classes—the society which demanded protection—in their shameful selfishness had done little to prevent the evils from which they suffered, and therefore they protested against their attempts to repress those evils by the single method of punishment. And besides all this they had learned by experience that, to deter by severity is, of all means, the most impotent for the prevention of crime.

Seeing, then, very clearly that punishment, as usually inflicted, was both unjust and ineffectual, many of the philanthropic school fell into the error of regarding it as a most objectionable instrument, which, though necessary sometimes, was always to

be used as sparingly as possible. "The simple object of the state," they said, "is to prevent crime: the reformation of the criminal is the best means for the accomplishment of this object: in reformatory treatment, punishment must bear a part, but not one whit more should be applied than is absolutely necessary. A Christian, at any rate, whose highest aim is the salvation of souls, will not give his assent to any other view of the Criminal Question."

On very little examination this doctrine proves to be hyper-Christian. The salvation of souls is not the Christian's highest aim,—that itself is but the means to one still higher, the promotion of God's glory. To put all enemies under His feet, to bring every creature into subjection to His will and His law—this is the glory of God. We have no warrant for suspending a single Divine law, or for relaxing a single Divine penalty, even in the hope of saving a soul alive. And that man would be presumptuous indeed, who fancied that he could really further the eternal welfare of sinners by trying some plan at variance with the justice of God. When the Redeemer came to save men's souls, *He* did not repeal one jot or one tittle of the law.

We must never forget, then, that the first duty of the state, as the minister of God, is to put God's laws in force. Co-equal with this duty, is the constraint laid upon us, by our faith in Christ, to strive with all diligence to reform, to save the sinner. But we are on the brink of a fatal heresy, if we believe that there is any incompatibility between the enforcement of God's justice and the proclamation of God's mercy. We shall commit a notable mistake, if ever we imagine that we can save souls more easily, or even repress crime more certainly, by altering the Divine code to suit our own philanthropic theories.

Now the hyper-Christians *have* altered the Divine code. It is especially to be noted that all their errors spring from the adoption of Paleian and Benthamite doctrines. Hearing it asserted on all sides that the object of punishment was the protection of society, though they rebelled against the selfishness of the principle, they never questioned its truth. They accepted punishment, therefore, as a necessary evil which might be turned to good account; that it was a thing ordained of God, they never

suspected. To mitigate the harshness, and avoid the use of it as much as possible, was a prime precept in their philanthropy.

Accordingly, from the hyper-Christian theory all notion of guilt, penalty, and expiation entirely disappears. "Pain," says one of the ablest exponents of that theory, "ought not to be inflicted in a vindictive spirit as retribution for the past, but administered strictly with the intention of producing the reformation of the offender." In accordance with this dogma the prison becomes a "moral hospital," where the criminal is treated with mental and spiritual surgery. He has no past crimes for which to atone; the moment he is reformed he may be dismissed as convalescent. In the actual state of English crime, the idea of a moral hospital is perfectly defensible; but viewed in the abstract, it is at variance with the whole tenor of Christianity. And besides, if we once concede that human law knows nothing of guilt and penalty, knows no purpose but the reclamation of the criminal, as the surest means for the prevention of crime, we shall logically arrive at benevolences far more extravagant than the moral hospital,—nay, finally perhaps at the "universal syllabub of sentimentalism, the indiscriminate mashing up of right and wrong into a patent treacle of philanthropism," foretold by the seer Carlyle.[1]

But the falseness of the doctrines of the ultra-philanthropists appears most glaringly when they come to regulate the amount of punishment. Instead of measuring the penalty by the guilt, they are guided solely by what is necessary for a moral cure.

[1] I beg to enter a protest against the common philanthropic abuse of the maxim,—"Hate the sin, but love the sinner." It is all very true *in a certain sense*. The Bible says that God hates sinners, and therefore we are to hate them, "not with a diabolic but with a Divine hatred." The Bible says also that God loves sinners; and between the two sayings there is no contradiction. He hates them for what they have been, He loves them for what they may be. And this is what we must do. We must regard the criminal with a mixture of loathing and love. We must make him understand that till he repents, his sin is part and parcel of himself. If we draw any perilous distinction between him and his crime, he will begin talking in some pestilent fashion about his "misfortune," and set himself up as an object of pity. And, therefore, we will make him clearly comprehend that till he repents and sheds off his detestable vices, in the midst of, and in spite of, our intense anxiety, our yearning love for him, we must, and we will, and we cannot but hate him, "not with a diabolic but with a Divine hatred," as an incarnate sin. And, what is more, we believe that we are thus far more likely to lead him to repentance, than by an outpouring of undeserved benevolence.

They keep the offender under reformatory treatment till he is reclaimed. On this principle a murderer might be discharged at the end of a month, an urchin, who had stolen an apple, kept in confinement for years.

So rapidly is the hyper-Christian theory of punishment spreading, and so important is the influence which it already exercises in the whole domain of philanthropy, that it has become of great importance clearly to display its unsoundness and its tendency. This is the more requisite, because many of the ablest advocates of the theory never propounded it as true in the abstract, but only as practically necessary and just in dealing with the great mass of English criminality. This was especially the case with Mr. Clay. To judge from the general tenour of his writings, he was a thorough-paced advocate of "reformation versus punishment," to the utter ignoring of all idea of justice. Yet in reality he never questioned that guilt, and penalty, and the right of the human judge to punish in the name of God, lay at the foundation of all criminal law.

But to pass on:—the most important object to accomplish in the administration of justice, is a righteous apportionment of the penalty to the guilt. Lamentably fallible as the human judge must be, at the best, this is a work of great difficulty. In Paley's eyes the difficulty was so great, as at once to warrant the substitution of a human makeshift for the Divine scheme. But to reject every law of God which we find it hard to obey, is rather too easy and summary a method to be quite safe. The law of this country, at the present day, generally attempts to effect a rough correspondence between the penalty and the guilt. Formerly this was not the case. The unrighteous doctrine, that society was to be protected at all costs, led, as this history has abundantly shown, to equally unrighteous maxims and practice. "The easier the offence the sharper the punishment," may be taken as a specimen maxim: to hang men with as little compunction for cutting either ill-protected hop-bands or well-protected human throats, as a specimen practice. Within the last hundred years semi-pagan divines have defended such maxims and practices—as in strict logic they were bound to do, having accepted society as their God. And as long as

Benthamite selfishness is exalted above Christianity, we are only preserved by our illogical philanthropy from a return to such monstrous iniquity. Not until a clean sweep has been made of utilitarian heathenism, can we hope to see Divine justice securely established in this bewildered realm. The present century, however, has seen an approximation made in English law, to the principle that the degree of punishment must not be regulated with reference to the supposed interests of the community; but depend on the criminal's guilt. Still, as yet, the principle is applied in a most clumsy and unfair manner. The actual heinousness of the offence and its legal definition, and not the moral guilt of the offender, almost invariably determine the sentence. Such awkward justice as this is, of course, very far from being as close an imitation as might be accomplished of Divine equity. The guilt of the criminal manifestly depends on many things besides the nature of the act itself. The highly educated intelligent man, and the utterly ignorant semi-idiotic pauper child, would incur far different degrees of guilt by perpetrating precisely similar crimes. Every conscientious English judge now-a-days would endeavour to the utmost of his power to suit the sentence he pronounced to the moral guilt of the culprit. It would be a great gain in English criminal law, if this principle were more thoroughly adopted, and distinctly sanctioned by act of Parliament. In that case, before passing sentence, the judge would weigh the various causes which led to the offence. Before him would be placed a history of the delinquent's parentage and education, full details of his past life, an account of his wants and temptations, and perhaps, when certain prejudices are defunct, a surgeon's estimate of his natural tendency to crime, deduced from a careful examination of his constitution and brain. On these data the judge should assign an equitable penalty. There is nothing visionary in this proposal. To minister justice thus, would be far more rational than, utterly regardless of the attendant circumstances, merely to pronounce the judgment prescribed by some old act of Parliament, with sole reference to the legal definition of the offence.[1]

[1] Of course the judge must also bear in mind, that the amendment of the delinquent is one of the objects to be accomplished, and that therefore he must

And when once punishment is meted out in due proportion, not to the legal character of the crime, but to the real culpability of the criminal, one of the chief difficulties of the hyper-Christians is cleared away. They say, and there is much truth in the assertion, that mere punishment hardens the culprit. To avoid this, they argue that we must make the punishment reformatory and not vindictive, and win the moral patient to feel that it is intended for his good and not for vengeance. Their end would be far better attained by making the punishment *just*, and leading the delinquent to acknowledge that it is so. Many philanthropists have suffered this word "vindictive" to mislead them. When punishment is inflicted to gratify anger, or revenge, it is "vindictive," but the word will bear no other meaning; and therefore to call the penalty inflicted by the state, "vindictive," is a mistake in terms. If the law has been used by revengeful witnesses or prosecutors, as the means for satisfying a private grudge, then the prisoner is truly the victim of vindictiveness, and his sufferings will almost inevitably produce a bad effect upon him. But though the state cannot be revengeful, she can be unjust. When to protect the selfish interests of society, or to deter by example, she inflicts a penalty out of all proportion to the offence, or when she rudely makes the crime and not the guilt the measure of her wrath, she acts with injustice; and it is under the endurance of injustice that the sufferer hardens his heart.[1] But the retribution which is acknowledged to be righteous almost invariably softens. It is this which brings home to the sinner that awakening sense of

choose that kind of punishment which will best combine retribution and cure. But this principle is now widely acted upon. For instance, in sentencing a child, the judge deliberates whether it is his duty to send him to a Gaol, or a Reformatory.

[1] The principle here adverted to is of great importance. Some of the most reckless and hardened criminals with whom the state has to deal—(shall we instance poachers and smugglers?)—are those who have incurred unjust punishment for acts, not morally wrong, but constituted *artificial* offences by the state, for some selfish, or semi-selfish, purpose. In the same way men are hardened in prisons, by punishments inflicted for breaches of discipline which involve no real delinquency. It is one of the merits of the separate system that it so seldom provokes offences, and therefore necessitates so few extra-judicial penalties. But the mark system, which constitutes the prisoner his own judge and executioner, obtains the same end in a still better way.

guilt, which is the germ of repentance. If the philanthropists cast righteous retribution for the past out of their penal theories, they abandon one of the most powerful means which God has created for rousing that "Godly sorrow" which is the first beginning, and the only safe foundation for a genuine reformation of character.

And when we begin to apportion punishment righteously, we call into operation a beautiful law in human nature, which was left entirely dormant in the hyper-Christian theory. The capacity for deriving moral benefit from penal suffering, varies with the capability for incurring guilt. If, for committing similar acts similar sentences are passed on a well-educated intellectual man of the upper class, and on an untaught stupid boor, the moral effect produced on each will be very different. The boor, only dimly conscious of wrong-doing, will rebel against what he instinctively feels is injustice, and grow hard and stubborn. It would be difficult to reconcile him to his treatment by the clearest demonstration that he was suffering for the good of his country; he would refuse to be a willing martyr. And thus the injustice of the law would have created an almost insuperable obstacle to his reformation. It is almost impossible to lead a man to repentance while sore under a sense of wrong.[1] But with the educated man the result would be very different. That he had received his due would be a fact which his mind, well trained and in full vigour, could not reject; and this acceptance of his penalty as fully deserved would be so near akin to penitence, that the punishment, instead of being an impediment, would most effectually clear the way for reformation. Between these two extreme cases there would, of course, be many intermediate ones. But God has to a certain extent endowed men with an instinct which gauges truly the degree of punishment that their

[1] There is a curious notion prevalent among criminals of the lower class, that if any of the witnesses against them commit a mistake in giving evidence, they ought to be acquitted. For instance:—On the trial of the celebrated Frimley gang, an old lady swore that she saw one of the burglars enter her bed-room by the window, whereas in truth he entered by the door. This man was sent to Preston, and Mr. Clay found him, though fully admitting his guilt, sullen and sore, under the idea that he had been unjustly treated, in not being allowed to escape in consequence of the old lady's mistake. It was some weeks before the man could be convinced of his folly.

fellow-men have a right to inflict on them; and this instinct is, in fact, identical with the consciousness of guilt. The more the crime passes from the category of misfortune into that of sin, the greater becomes, not only the real guilt, but also the power of deriving benefit from the punishment.

To settle, however, the principles on which to apportion punishment, is very far from being a complete solution of the Criminal Question. If the principles here enunciated were simply put in force, the great majority, and by far the most dangerous, of our criminals—the grossly ignorant and sensual—would escape almost with impunity, and society could not exist under their almost unchecked ravages. The doctrines of the philanthropists, no longer hyper-Christian now, but replete with the deep wisdom as well as with the limitless love of our religion, here find their true place. These doctrines may be briefly summed up under three heads.

1. It cannot be denied, in the first place, that it is justifiable, for the welfare of the community, to inflict sometimes a severer punishment on the delinquent than his guilt alone would warrant. But then, as was argued in the previous chapter, the offender, on whose liberties we are trespassing, has an absolute right to some compensation. To attempt, with all possible kindness, to turn the punishment into a blessing, to try to make it the means of winning him over to honesty and religion, is the best, perhaps the only feasible, compensation that we can offer. The evil that would otherwise arise from ultra-just punishment may thus be escaped. The attempt to reconcile a man to an over-measure of penalty, by the argument that society was a gainer by his suffering, would be labour in vain. But the prisoner's sense of wrong may be wholly dissipated, by convincing him, after an honest confession that he is hardly treated, that his own welfare, and not the selfish interests of the upper classes, is the main purpose of our unwilling severity. Many a time did Mr. Clay prove the efficacy of this argument in the cells of Preston Gaol.

2. But the philanthropists would go a step farther. They would have the state act as the minister of the mercy as well as of the justice of God. Then, instead of making an atonement,

in the shape of religious teaching, to those only whom she was compelled to punish with excessive rigour—(in which case she would leave no small portion of her criminals untended)—she would acknowledge the criminality of all as a proof that they needed, and therefore as a claim to receive, a lavish measure of Christian care and love. Nor to this end will she need any lax benevolence. Dealing with her delinquents, as God has dealt with a fallen world, in offering boundless mercy without repealing one jot or tittle of the law—she will prove that the tenderest philanthropy is compatible with the sternest justice.

3. And lastly, if the Criminal Question is ever to be fully solved, the truth which has laid dormant these many centuries, but which the nation has at last learnt by bitter experience must be reduced to practice yet more and more;—the truth, namely, that as punishment, however deterring and however reformatory, is at the best but a rude and feeble means for the *repression* of crime, the *prevention* of that evil should first be sought by means of such wise legislation and government, as would check vice, and promote virtue to the utmost degree possible in this chaotic and bewildered world.

The state, then, has to escape two errors. On the one hand the utter selfishness, so long vindicated by half-heathen theology and philosophy, which knows no higher aim than the protection of society; and, on the other, the hyper-Christian philanthropy which, obliterating the eternal difference between right and wrong, regards the criminal as merely suffering from a moral disease. These errors the state has to avoid. She has reverently to imitate the justice and mercy of God. She has to remember, that these are not really different attributes of the Deity, but only different manifestations of that goodness, which (to speak after the manner of men) is not a compound of heterogeneous principles, but one homogeneous element of His Being. And, therefore, she must never fancy that human justice and mercy, if true copies of the Divine, are antagonistic principles, between which a compromise must be effected; but that, on the contrary, they are twin auxiliary powers, which, in reality, merge into unity. And above all, she has simply to obey God's laws in limitless faith, fully convinced that she will thus attain every righteous end she has in view, far

better than by any Benthamite selfishness, or indiscriminate philanthropy.

It is easy to enunciate these truths, but to apply them would require knowledge far fuller and deeper than this editor possesses. In the following short sketch, therefore, of the present state of the Criminal Question in England, the attempt will not be made, except in some very slight and incidental fashion.

England has to deal with four wholly distinct classes of criminals: with men of good education; with children; with incidental offenders, who have stumbled into delinquency chiefly through their heathen ignorance; and lastly with habitual criminals.

Hardly any attempt has yet been made to deal with the first class in a manner suited to their characters and their crimes. The fraudulent banker and the eminent forger either receive precisely the same treatment as the burglar and the pickpocket, or else obtain indulgences which they deserve far less than their fellow-prisoners. After leaving the cellular prison, unless some clerkship or similar post can be found for them in one or other of the convict establishments, they are sent to quarry stones at Portland, dig potatoes at Dartmoor, or perform horse work at Portsmouth or Chatham. The fact is, the "gentleman convict" is a puzzling case. The routine discipline of a reformatory prison has no meaning for the man possessed of mental cultivation and refinement. He has no need of reformation, in the philanthropic sense of the word, that is, educational and industrial training. What is wholesome discipline to the common criminal, may be pernicious degradation to him. As highly educated criminals are so few in number, most likely not one hundredth of the entire body, it has not yet been thought worth while to devise any special discipline for them. Yet the problem, if of slight importance, is, at any rate, easy of solution. In their case the doctrines of ultra-philanthropy break down entirely. To them the full measure of punishment, pure and simple, should be dealt out. Repentance, in the old-fashioned sense of the word, anguish of regret, and shame for their irrevocable sin, is what we want to produce in them. And to stir up such repentance, God has provided no means so sure as bitter punishment—punish-

ment of which the sinner acknowledges the justice, even while he groans under the infliction. Probably no better commencement of such a criminal's purgatory could be devised than the solitary cell. Once lodged there, the education, which did not prevent his fall, should be made one instrument of his punishment. Foolishly in such cases an unlimited supply of books is generally granted, by help of which he can distract his thoughts and keep misery at bay. Manual employment and plenty of exercise in the fresh air would furnish a more wholesome means of relief. For the mind, rendered active and therefore hungry by education, should, as far as consistent with perfect health and sanity, be baulked of its accustomed food, and so driven by its cravings to the grim feast prepared by memory. But when the solitary cell has performed its work, what is then to be done with the gentleman convict? Not reformatory training, but some form of penance, which shall prolong the bitter penitence of the cell and deepen, past all chance of effacement, his remorseful hatred of his sin, is what is now required for him. The Church of Rome would have consigned such a one to sackcloth and ashes, and the penitential discipline of the cloister. The Home Office has often no alternative between turning him into a beast of burden, or placing him, to the envy of his fellow-convicts, in some situation of comparative comfort. It is time to devise some more fitting penance than horsework, at all events. Toil, very humble and very laborious—an expiatory task, if possible, by which some slight atonement may be made to humanity, such as menial service in hospitals, or daily drudgery as an under-usher in prison-schools[1]—this is the kind of penance which should await the gentleman convict, when he quits his solitary cell.

The treatment of criminal children should be exactly the reverse of what is bestowed on gentlemen convicts. However heinous their crimes, or however depraved their natures, they have incurred so little guilt, that the state has no right to punish them severely. But in her own self-defence, and in mercy to them she is bound to provide education. Mr. Clay had been pleading for wiser and more Christian usage of criminal children,

[1] In the schools of one or two of the convict prisons gentlemen convicts are thus employed.

full thirty years before the legislature recognised their right to a better "house of discipline" than the common Gaol. In the medley of wickedness which filled the old Preston Bridewell, the certain ruin to which young delinquents were consigned by compulsory companionship with old gaol-birds was, in his eyes, the paramount evil. Year after year, by his reports and otherwise, he implored redress for this grievous wrong; and at last, when the separate system was introduced, to his infinite relief the justices decided that the first to be rescued from contamination, and placed in cells, should be the boys, whether tried or untried. The worst evil at length obviated, the question then arose whether cellular discipline was the kind of treatment best suited to children. Experience soon taught him the exact use to be made of such a prison as the Preston Gaol in the case of young criminals. Of late years, now that crime of all kinds, and juvenile crime in particular, has somewhat diminished, out of her annual crop of 70,000 offenders, England has about 6,000 children under the age of sixteen to provide for. For most of these, that is to say, for all who are not yet criminal by profession, nor possessed by that passion for thievery, so often seen even in the youngest children, Mr. Clay's version of the separate system would be, as a rule, thoroughly efficacious. He found that the great majority of such children, after the sharp lesson taught by a few months' isolation, might be returned to their friends so impressed and impressible, as almost to ensure their future good behaviour, unless grossly neglected. To avoid the danger of neglect, he would have made the parents responsible, under heavy penalties, for their subsequent honesty. But with other young criminals the cell wholly failed. The ringleader of the juvenile gang, whose removal alone would often be the salvation of his comrades, the precocious graduate in crime with whom the larcenous propensity had become a second nature, required years of careful discipline to effect his cure. In separate confinement, even when the discipline was as fresh and wholesome as that at Preston, he sickened and pined long before his reformation was accomplished. Besides, it was impossible in a prison to apply those bracing methods for fostering self-control, of which he stood in such urgent need. Before he had watched the young

thieves in their cells a complete twelvemonth, Mr. Clay had begun to write in favour of Reformatories. Still the cell is invaluable as a preparation for the school. The master of the Reformatory would probably find the young felon far more malleable, if the few preliminary weeks now usually passed under the separate system were prolonged to as many months. But there are other young criminals for whom the cell is hardly needed, and to whom it would be unjustly penal. For the miserable children, whom the savage cruelty and heartless neglect of parents or step-parents drive to stealing, as the only alternative for starving, for the little waifs and strays of the streets, whom older scoundrels make the tools of their villany—for such as these the state should be a foster-mother, and the Reformatory a home.[1]

The refusal of the colonies to receive any more convicts made reformatory schools an urgent necessity. As long as the incorrigible minority could be shipped off, out of sight to the Antipodes, the cellular prisons might have prevented an excessive increase of the more curable majority. At least there is no reason to suppose that what Mr. Clay and the Preston Gaol effected for North Lancashire might not have been accomplished by similar means in most other districts; though even then some more radical remedy would have been required to extirpate the young Arabs of our great cities. In the old times more than half the young prisoners at Preston were recommitted in less than two years after their liberation; under the new dispensation three-fourths never returned at all. The ringleaders were transported, no new ones were bred in the Gaol, many were effectually checked in their vicious practices, and before the separate system had been in operation five years, the police reported that not a single gang of young thieves was known to exist in the northern division of the county.[2] These results were sufficient to show

[1] It would have been well, if a more regular distinction was made between young felons *sans discernement*, and those *avec discernement*, and separate Reformatories provided for each. The presence of three or four finished town thieves among other lads, more unfortunate than criminal, often forms a most serious difficulty in the management of a Reformatory.

[2] These results, however, were less than those obtained in the case of older offenders; showing that the cell was less efficacious for the child than for the man.

that imprisonments of a few months' duration in Gaols, like that at Preston, could effectually cure most juvenile delinquents. The state should never assume the parentage of children except in cases of absolute necessity; and, therefore, the Reformatory should never be required to effect in three or four years, what the cell can accomplish, less well perhaps, but still well enough, in as many months.

It was chiefly owing to the examples set in France and Germany that the requisite amount of popular enthusiasm was at length aroused in this country in favour of reformatory schools. Till then the idea of such schools had never fairly caught the public fancy. Almost all those which had sprung up during Mrs. Fry's philanthropic revival, had sunk into bankruptcy and neglect. The act which established the Parkhurst Prison sanctioned private Reformatories, and armed the managers with power to receive and control young convicts. Yet in spite of parliamentary approval the schools still languished. The Children's Friend Society, founded and managed almost single-handed by the indefatigable philanthropist, Captain Brenton, after nine years of genuine usefulness, in which it rescued from destitution and crime nearly 2,000 children, perished under a sudden blast of popular wrath. It had been the practice of the committee to apprentice their lads to farmers, either in Canada or at the Cape; and a calumnious scoundrel took advantage of this circumstance to raise the cry that, under the mask of benevolence, they were carrying on a virtual slave trade. One of the most potent of the able editors began to fulminate, and many of the small fry followed the example. In a few days the attack was followed by the sudden death of Captain Brenton. It was said that the newspapers had killed him; at any rate they killed the Society. The asylum at Stretton-on-Dunsmore lasted ten years longer, and then, on the very eve of the "movement" which, seven years ago, made reformatory schools the philanthropic fashion of the day, perished under legal difficulties and financial troubles.

The first school for depraved children in Europe was founded in 1775, at Neuhoff in Switzerland, by the celebrated Pestalozzi. After his death his ideas were developed on a larger scale, at Hofwyl, by his disciple M. de Fellenberg. During the earlier

part of the present century many similar asylums, intended rather for pauper than for criminal children, were established in various continental states; but the true origin of Reformatories properly so called, dates from the 1st November, 1833. On that day, M. Wichern, a Protestant pastor,—not, we may imagine, without asking the special benediction of God—established himself, with his family, in an old thatched cottage, three miles from Hamburgh, and offered to share his home with the most incorrigible reprobates, boys or girls, whom the police or their parents chose to send him from that city. An opportune legacy left for the foundation of a House of Rescue, eked out by a few small gifts of money, had supplied him with a capital of about 2,000 thalers; while a friend had given him a patch of garden-ground and the old cottage, known from its rough ragged look as the *Rauhe Haus*. He commenced his school with three scholars. Five years after the number had increased to upwards of a hundred; the garden had grown into a farm; the Rauhe Haus was surrounded by a little hamlet of cottages and workshops; and M. Wichern had gathered round him a band of "fellow-helpers in the Lord." These were of two kinds; some seven or eight were "candidates for the ministry," young scholars fresh from the Universities, who, to learn the method and imbibe the spirit of Christian pastorship, worked as deacons under Father Wichern without money and without price; the others were young artisans, who came for a bare pittance, to teach the children and to be themselves taught by the candidates. These were styled Brothers; and in that one word their duties are described. They were to instruct the children in trades, to lead them in their play, to help them in the schoolroom, and, by example rather than by direct teaching, to leaven them with religion.

The success of the Rauhe Haus in reclaiming young criminals has been almost marvellous, though not by any means unchecquered. Sometimes, under the influence of some two or three ringleaders incurably wicked, the evil passions of the half-tamed savages would wake up into defiance and rebellion. On one occasion the bad spirit grew so virulent that a plot was laid to burn down all the buildings, at a time when the young

incendiaries calculated that M. Wichern's vigilance would be relaxed by the confinement of his wife. But there were few children who did not sooner or later yield to the blessed influence of the place. Three principles combined to produce that influence. The first was the genuine spirit of religion which animated every member of the staff, from Father Wichern down to the youngest Brother. The second was the spell of home—the ceaseless care with which the kindly sympathies of domestic life were cherished to the utmost; each cottage contained a complete distinct family, consisting of a candidate, three or four brothers, and twelve or fifteen children, all knit together in one common household. The third was industry—the dignity and value of labour were inculcated at every turn; the children almost entirely supported the hamlet-school by their own toil.

Copies of the Rauhe Haus sprang up all over Europe, and by the fame of one of them, *la colonie agricole de Mettrai*,—that of the original model was eventually cast into the shade. While M. Wichern was steadily fulfilling his mission at Hamburgh, Frederic Auguste Demetz, a judge of the Court of Appeal at Paris, was yearning to rescue the young convicts, whom he saw consigned by hundreds every year to the common prisons and certain perdition. In 1837, as already narrated, he was sent with his friend M. Blouet, by the French Government, to inspect the American Penitentiaries. While on this mission he first derived the idea of reformatory schools, from the Houses of Refuge at Philadelphia and New York. On his return to France he inoculated the *Société de Patronage*—(a Discharged Prisoners' Aid Society on a large scale)—with his views, and accepted from it a commission to examine the Reformatories of Europe. His first visit was paid to certain colonies for young paupers in Belgium and Holland, which furnished, he found, excellent examples to avoid; and then he proceeded to Hamburgh. As soon as he saw the Rauhe Haus he felt that his quest was at an end. He stayed long enough to master all the principles and details of the establishment, and then returned home, fully determined to produce a faithful imitation in France. An old school-fellow, M. le Vicomte de Courteilles, joined in the enter-

prise, and gave a small estate at Mettrai, near Tours, on which to try the experiment.

La colonie agricole de Mettrai was called in France a "glorified" copy of the Rauhe Haus. That is to say, it was a "Frenchified" copy. The same dignity was assigned to labour, the same family system was adopted, the same genuine spirit of religion pervaded the whole. M. Demetz, too, possessed, in a higher degree even than M. Wichern, the faculty for infusing his own energy, enthusiasm, and thorough devotion into all around him. But there was still a difference throughout. The German homeliness of the Rauhe Haus brightened into French sentiment at Mettrai; the quiet domesticity of M. Wichern's little households reappeared as *esprit-de-corps* in M. Demetz's *familles*; emulation, not to say vanity, was systematically stimulated; the worship of *l'honneur* was carefully cultivated by means of badges of distinction, tablets of merit, and little dignities of all kinds. The young *colons* were encouraged to establish a perfect tyranny of public opinion, and to shame each other into submission to its dictates; and of course the discipline of the establishment was military throughout. In short, Mettrai is truly said to be "glorified." *La gloire*, of a wholesome kind it is true, but still *la gloire*, in spite of all attempts to sober it down to *l'honneur*, is the life of the system.

The fame of the Reformatory at Mettrai spread far and wide. Many others on the same plan, under masters trained by M. Demetz, were established in various parts of France, and visitors flocked from every state in Europe to see the *colons* and their happy home. Among the earliest visitors from England was the Rev. Sydney Turner, Chaplain to the Philanthropic Society. That Society had undergone many changes since its founder, Robert Young, Hanway's disciple, at the very time that Pestalozzi was creating his school at Neuhoff, hired four cottages at Hackney, and turned them into a Home and a School for the destitute children of convicts. One more change, and that a final one, was the result of Mr. Turner's visit to Mettrai. Himself a man of the same stamp as MM. Wichern and Demetz, he recognised at once the truth and value of their main principles, and determined to establish a second Mettrai in England.

Heartily supported in his scheme by energetic friends, in less than four years he saw his wish accomplished. In 1849 the London establishments of the Philanthropic Society were broken up—for he had rightly divined that healthy toil in country air was almost essential to success—and re-created in the shape of a farm-school at Red Hill, near Reigate, in Surrey. Red Hill is Mettrai anglicised. The sentiment is sobered down to duty; *la discipline militaire* subsides into the ordinary routine of an agricultural school; and a manly healthy tone, without any tendency to romance, pervades the whole establishment. Some plan of rewards was found indispensable, for coarser motives than are necessary with ordinary children are required to drag up quondam criminals to higher principles. But the privilege of earning by good conduct and diligence a few weekly pence (which are generally spent on sweets), proves as efficacious in Surrey, as tablets of merit, little dignities, and public opinion in Touraine. And after all, perhaps, since some bait must be used, the attractions of *l'honneur* have not a more wholesome effect on the French *colon* than the prospect of treacle to his dumplings on the English urchin.

The establishment of the Red Hill School was the prelude to the foundation of similar Reformatories all over the kingdom. The experiment was "interesting," and the success was unquestionable. For an "interesting" and a successful "object" the patronage of the British public can always be gained. Feeling that the time was come, at last, for a strenuous effort to rescue young delinquents from their pitiable fate, the friends of the "reformatory cause" convened a conference at Birmingham to discuss plans for their redemption. Among the originators of that conference Mr. Turner was naturally prominent. But with him were joined two working Christians, each of whom has done more than any other single individual in the present century, to rescue criminals from barbarous severity and no less barbarous neglect—Mary Carpenter and Matthew Davenport Hill. The conference was but thinly attended, and at first it seemed that the issue would not be great. The actual result, however, did not fall short of the most sanguine expectations. The enthusiasm engendered by the meeting hatched into speedy accom-

plishment more than one philanthropic scheme. The honour of founding the first Reformatory belongs to two Gloucestershire magistrates, Barwick Baker and George Bengough. The former, a disciple of Captain Brenton, gave a cottage and a patch of ground on his estate at Hardwicke, near Gloucester, and all the time and brain-power he could spare: the latter, a young Oxford graduate, till the right man could be found to act as schoolmaster, devoted himself bodily to the task, living, working, and even sleeping among the young reprobates. Their school was commenced in March: in the summer Mr. Adderley and Mr. Joseph Sturge together, founded the second Reformatory, in Birmingham (it was afterwards removed to Saltley), entrusting the management to a London shoemaker, John Ellis by name. The short history of reformatory schools is studded with many bright names, but with none brighter than that of this extraordinary man. While hard at work as a ragged-school teacher, the wish to attempt the reclamation of the young criminals who sometimes joined his class, grew strong upon him. At last (opportunely helped by a gift of money) he gathered round him several of the most desperate boy-thieves in the city, lived with them, worked with them, and gradually, by the power of "love unfeigned," changed their natures. His success was so marvellous that it led certain London magistrates to suggest, while the reformatory cause was still in embryo, the affiliation of an industrial school to every metropolitan prison. The fat fun, however, of a stupid alderman, who offered to walk twenty miles to see a reformed thief—(a longer distance, probably, than a reformed thief or any one else would have walked to see him)—upset the proposal. What the Saltley school became under Father Ellis, it were superfluous to tell. In the autumn of this same year (1852), Miss Carpenter, already the founder of more than one ragged-school, with the help of her friends, established the "Kingswood Reformatory," near Bristol. The following year witnessed the establishment of several new, besides the resuscitation of many languishing old, schools.

Meanwhile strenuous efforts were made to secure the patronage of Parliament. A deputation was sent from the conference to extract from Sir George Grey the promise of a government

measure for the promotion of Reformatories; and on receiving his excuse, that public opinion was not yet ripe enough for legislation, they set themselves to ripen it with all possible speed. Lord Derby's accession to office rather disarranged their plans, for Sir John Pakington, whom the conference had appointed their parliamentary agent, was obliged to abandon philanthropy, and attend to the colonies. His task was undertaken by Mr. Adderley, who obtained a committee of inquiry, and on the strength of the report (which, however, was not published till late in the following session), introduced a "Reformatory Bill." The crush of business, however, at the end of the session, barred the progress of the measure; and as his failure left the fate of the reformatory cause in some uncertainty, a second conference was assembled at Birmingham, in December, 1853, to quicken public interest, and demonstrate the earnestness of the philanthropists. A second deputation was appointed by this conference to apply the requisite pressure to the then Home Secretary, Lord Palmerston. He readily promised a government bill; but two months passed without any symptom of its appearance, and at last it transpired that the ministry were elaborating a measure far too big and cumbrous ever to pass. Eventually, Mr. Adderley induced Lord Palmerston to adopt his own smaller bill, which, with great trouble, was carried. There were many flaws in the original draft of "Lord Palmerston's Act,"[1] as it was called; and of course the Commons, in the exercise of their time-honoured privilege, mauled and botched it while under their hands. However, with the help of two subsequent amending statutes,[2] it has answered all practical purposes. It embodied the principle on which Mr. Hill and his coadjutors had insisted as essential—the combination of state assistance

[1] 17 and 18 Vict. c. 86. The worst flaw was the requirement that the child should be sent to Gaol for a fortnight, before admission into the Reformatory, without a word to indicate whether the Gaol was to be a cellular prison, or one of the old-fashioned academies of promiscuous villany. "Why they should have made it felony," said Mr. Clay, when he read the act, "for a justice to send a child to such a prison;" and he afterwards repeated the same sentiment for the benefit of a Parliamentary committee.

[2] 19 and 20 Vict. c. 109, and 20 and 21 Vict. c. 55. In the same session as Lord Palmerston's Act, a similar measure, known as "Dunlop's Act," was passed for Scotland. Ireland did not get her Reformatory Act (21 and 22 Vict. c. 103) till 1858.

with volunteer benevolence. That they wanted nothing from government but patronage, authority, and money—that they regarded the Home Office as a very unlikely place from whence to obtain foster-fathers and mothers for the children of crime and neglect—had been with them a prime doctrine from the first.

Under the Reformatory Act, more than forty schools have been built—as many, perhaps, as are needed.[1] Their success has been great; in many counties they have entirely abolished systematic juvenile crime. Mr. Clay lived to see that success indisputably achieved. In spite of failing health and over-work, he gave no slight help to the cause. When once the "movement" was fairly begun, his chief anxiety was to ensure an efficient mulcting of the parents—the real criminals—and to prevent the philanthropists from lavishing their benevolence too profusely. He was one of the chief speakers at both the Birmingham conferences, and a member of both the deputations: he was also one of the first promoters of the Reformatory which was shortly afterwards built in North Lancashire.[2] But his real work in aid of the cause had been done long before the movement began. It was then that his laborious investigations into the causes and extent of juvenile crime at last came into use. All the authors and pamphleteers, who wrote in the "reformatory cause," drew their best arguments from his reports; at all public meetings, and in all parliamentary debates, of which young criminals were the subject, his name was on the lips of almost every speaker.

Another kindred work he did not live to see accomplished—indeed, the accomplishment has yet to come. Matthew Hill, Mary Carpenter, and their allies, saw from the first that "ragged" schools—the unlucky epithet will cleave to them—were more urgently required than even Reformatories. Wherever established they have done incalculable good, but they have all along languished for want of support. They are not "interesting," in the pretty sense of the word, and therefore they excite little enthusiasm, and gain few subscribers. They are very expensive, for they must be free, and they must often furnish both food and

[1] For boys, that is; more are wanted for girls.

[2] Thanks to the energy and liberality of Mr. Garnett, M.P. for Lancaster.

clothing. Yet other schools, which need far less help from government, receive far more. Their case is a hard one, and yet it seems almost beyond the reach of official melioration. The Privy Council (as most readers will know) will only help school-builders and managers in proportion to the liberality of the subscribers they represent. The more bounteous the subscribers, the larger, within certain limits, the government grants. Those, therefore, who want the least assistance, get the most. The principle may seem unwise; in fact, it is inevitable. The British public has an incurable propensity for swindling the Treasury. Even the charitable will not give a stiver till they have extracted the uttermost farthing possible from the public purse. If the Privy Council, therefore, made want the condition of their grants, half the schools in the country would fall forthwith into abject want. British subscribers, with one consent, would button up their pockets, and in the end the entire cost of educating the poor would be thrown on the state. A direr calamity could hardly befall the nation. Nor is this the only difficulty. Not only would subscribers spare their purses, but the parents, even of the better sort, thoroughly convinced, as they are, that they have a right to eleemosynary education for their children, will generally rather send them to a free school, however ragged, than to a national school, however genteel. The poverty of the ragged schools, therefore, is a valid reason why the state cannot help them. "Give us," say the Privy Council to the philanthropists, "some check that will prevent other schools from sinking into raggedness for the sake of getting our money, and we will help you." But as yet the philanthropists have not devised an efficient check, and so for the present the matter stands. In 1857, an act[1] was passed, empowering magistrates to send little vagrants to "certified industrial schools," supported by the state; and this slightly palliated the evil. But the hordes of destitute, and all but criminal, children, whom the magistrates cannot touch till they have actually infringed some law, are still

[1] 20 and 21 Vict. c. 48. "Mr. Adderley's Act." If, as its author proposed, the act, like Mr. Dunlop's for Scotland, had reached palpably destitute and neglected children, as well as those *convicted* of vagrancy, it would not have failed as it has done. The Education Commissioners (whose report has appeared since the text was written) would meet the difficulty by applying Dunlop's Act to England, and establishing district industrial schools.

uncared for. In 1856, the government, much pressed, granted assistance to the ragged schools on the ground of their wants. But a single year showed the danger of the experiment, and the necessity for reverting to the old principle. The problem awaits solution. Once solved, the other difficulties peculiar to ragged schools might soon be overcome. That it will be solved before long cannot be doubted. While these pages are being written, the same hearts and heads that made salvation possible for criminal, are busy devising equal mercy for destitute and neglected, children.

About 420,000 persons in the course of a year pass through the hands of the police in England and Wales. Of these about 275,000 are convicted, some summarily, others after trial by jury—the former being seventeen times as numerous as the latter. The great majority of these incur nothing but the slightest punishments, generally fines; but about 70,000 are sentenced to imprisonment. Of these 6,000, in round numbers, are children under sixteen, nearly 1,000 of whom are committed to the Reformatories; for most of the remainder, the cellular prisons probably furnish sufficient correction. Of the adults, rather more than 2,000 are sentenced to penal servitude.

Of the 420,000 persons apprehended by the police, more than 80,000 are either known or suspected to be criminals by trade; and from 50,000 to 60,000 are known to be living in total idleness and vice.[1] The rest, that is, about two-thirds, are incidental offenders, men led into crime (often for the first time) by great temptation, by ignorance, by sudden impulse, or by drunkenness. It is obvious, that the depravity and guilt of these men is less than that of the regular criminals; they require less curative treatment, and deserve less punishment. It is still an unsettled question, however, whether this punishment should differ in

[1] I have taken these figures from the judicial statistics of 1859. The number of persons who passed through the prisons in that year was actually much more than 70,000; in fact, no less than 127,000. But this is the number "committed to prison," not the number "sentenced to imprisonment." The 57,000, over and above the 70,000, is made up thus:—The Gaols, in the first place, were still clogged, to the great detriment of good discipline, with 15,000 debtors; about the same number spent a few days in confinement, under remand, or for want of sureties; military offenders reached about 5,000; and the remaining 22,000 were incarcerated for safe custody, or till the payment of fines, or for some other reason which involved the fact, but not the sentence, of imprisonment.

kind, as well as in degree. Mr. Clay, in common with most prison-disciplinarians, strongly insisted on the necessity for two different methods of discipline—the cellular prison alone for the chance delinquent, the addition of a long probation under the mark system for the professional rogue. Captain Maconochie, however, and some of his followers, strenuously maintained that the mark system, by itself, was equally efficacious for both.

The separate system was adopted in this country in almost total ignorance of what the effects would be on the mind and body of the prisoner. Mr. Clay was far more dubious about the physical results, and far more alive to the necessity for the utmost care, than most of his fellow experimentalists. Yet it was some time before even he understood the terrible potency of the cell. He was one of the few chaplains, moreover, who, without feeling any orthodox alarm about "materialistic views," fully recognised the important part which physiological laws must play in the discipline of the separate system.[1]

For some weeks after a prisoner is placed in separation, even with all the alleviations provided at Preston, he is depressed, restless, and uneasy. But by degrees both mind and body grow accustomed to their altered circumstances; he instinctively turns for relief to his books and his work; in the visits of the schoolmaster and chaplain he finds a pleasant stimulus; and on the whole, he is comparatively happy. But another change comes after a time. The long continued confinement begins to tell on the digestion, the blood, and the brain. The artificial life, the abnormal state, grows painfully irksome, and he yearns for nature and freedom. A second period of excitement and restlessness intervenes. This is the critical juncture in his imprisonment, but with a little care actual insanity may easily be avoided. The excitement will pass away presently, but from that time he will grow listless and feeble. The solitary cell has

[1] The relation of physiology to prison-discipline is fully discussed in George Combe's "Principles of Criminal Legislation,"—a work to which I am considerably indebted. His theory is, that crime is simply the result of circumstances and cerebral malformation. Notwithstanding the wide gap between their respective opinions, there was a sincere friendship between him and Mr. Clay, who was led by him to study the physiology of the separate system more carefully than he might otherwise have done.

now more than done its work; for the future strict isolation will be injurious.

This is, as a rule, the criminal's physiological career in prison; though, of course, the phenomena vary considerably in men of different temperament. The sluggish lymphatic man, with small lungs and small brain, adapts himself easily to his solitude: good food, light work, and a sufficient allowance of visits, to break and cheer the monotony of his cell, reconcile him to his position. He becomes almost as passive as a vegetable. Uniformly submissive, he gives no trouble, and makes an excellent prisoner. It is long before the cell produces any effect upon him, either beneficial or injurious. On the other hand, the large-lunged, large-brained man, of sanguine temperament, is affected very differently. To him the cell is far more punitive: he chafes and frets under restraint, and most likely grows irritable and sullen. Probably, he often breaks the prison rules. An ignorant, stupid gaoler would try, by sharp punishment, to coerce a man of this kind into submission; but to goad and madden him still more would be the only result of such an attempt. Not improbably a duel between prisoner and gaoler would be provoked, and perhaps some tragedy, like that enacted at Birmingham Gaol, be the issue. Yet gently, firmly, and rationally dealt with, this man may be reclaimed far more effectually, and in a much shorter time, than the other.

Of course the effect produced by the solitary cell depends on many other things besides the constitution and brain of the prisoner. His previous habits, his education, the pressure of, or the freedom from, anxieties,—these and many other circumstances will either aggravate or alleviate the operations of solitude. And in the treatment of the prisoner all these things must be taken into account. If the prison is to be a moral hospital (as, due regard being always had to Divine justice, it most certainly should be), then to maintain one invariable routine of discipline is simple folly. It is now an axiom with prison-disciplinarians, that to the utmost extent possible each convict should be "individualized;" that is, that the character and circumstances of each moral patient should be carefully studied, and the treatment regulated by the diagnosis. All this

may seem to render the management of a cellular prison a most difficult and complex task; yet really it is not so. Information concerning the prisoner's past career can now generally be obtained with ease. And with this to guide them in the first instance, it would be strange if the governor, surgeon, and chaplain had not among them sufficient knowledge of physiology and psychology to enable them to modify their discipline to suit their patient. At Preston this was done for all practical purposes most efficiently. The chief difficulty is to regulate the length of the sentence, and on this head something must be said presently. It seems to be admitted now that the man of sanguine temperament, if not deeply depraved and grossly ignorant, may possibly be reclaimed in three or four months; while even with the most lympathic man the imprisonment, if prolonged beyond fifteen, or at the most eighteen months, would produce permanent injury. The more Mr. Clay saw of the separate system, the more disposed he was to shorten the period of confinement. His final opinion was that, with reference to reformation alone, from six to nine months should be the average term. At the present time, however, for all purposes of reformation most of the sentences actually passed are simply absurd. Of the sixty or seventy-thousand offenders committed to prison in the course of a year, only about ten thousand have more than two months' confinement allotted to them. The uselessness of these short terms has already been deplored; but it would seem from the most recent statistics that the justices are at last growing more alive to the uselessness of homœopathic doses of reformation. Of course if the practice of adjudging long terms, as the rule, were suddenly and generally adopted, the prisons would soon be crowded to a dangerous excess. Already, however, there is more prison accommodation than is required; and as now each year will probably see a slow decrease of crime, a gradual prolongation of short sentences is becoming as possible as it is necessary. Nevertheless it must be remembered, that in many thousand cases a sharp warning to thoughtlessness and improvidence, not a cure for vice and depravity, is the thing wanted; and a fortnight or a month in solitude is then, perhaps, the best punishment that could be devised. Besides it is an open question whether many acts and

practices (vagrancy for instance) now regarded as crimes and punished, should not rather be considered as nuisances, and dealt with in some very different fashion.

But to return. Regarding the prisoner as a moral patient, the paramount object is to render him as amenable as possible to the reformatory process. The tendency of separate confinement is to lower the bodily organs and to weaken the faculties. The discipline must be modified to correct this tendency. The prisoner probably has lived a life of gross animal indulgence. Accordingly his animal propensities must first be lulled to sleep; this is most effectually done by the repressing power of isolation. But the repression must not be deepened to the injury of health. Plenty of fresh air, therefore, brisk exercise, and suitable diet are necessary. If the diet is too low, it will turn depression into despondency; if too high, it will produce excitement and irritability. As a rule, the ordinary food of the better class of workmen suits the solitary prisoner precisely. The god of criminals is their belly; and to baulk the belly-god to the utmost extent is both wise and just. The good living allowed in some prisons is a wicked absurdity. But to mortify the felon's greediness to the utter defeat of our main purpose, to starve him till he is too feeble body and mind for such a work as repentance, is the purest folly. It has always been the doctrine of the able editors, that the fare of a rogue in Gaol should be rather harder than that of the poorest labourer outside; and in the name of justice to the ratepayers (in the sight of the able editors, the highest possible manifestation of justice) it has been demanded that not one unnecessary stiver should be spent on the diet of rogues. True justice to ratepayers requires that the odious cost of crime should be reduced to a minimum. That cost is about ten millions a-year; but the item for prisoners' maintenance is only 121,000*l*. Any parsimonious paring down of that item, as it would certainly pare down the number of reformed criminals, and so swell the bill with the expense of more prosecutions and reprosecutions, would be curious justice to the ratepayers.

The isolation, which depresses the animal nature of the prisoner, and lowers the whole tone of the nervous system, produces a corresponding effect upon the mind. To counteract

this it is necessary to rouse the moral and intellectual faculties into activity. This is done partly by education, and partly by employment. The criminal probably is grossly ignorant, and therefore instruction, quite apart from physiological reasons, will be required to assist his cure, to remove one cause of his criminality. But education to the boorish thief must be dealt out in minute doses; or else it will weary and disgust the mind, and aggravate the morbid tendencies it was meant to check. Employment, therefore, must be the chief resource. The more skill the employment requires, and the more consequently it exercises the mind, the better; to quicken the prisoner's interest in his work, he should receive some small share of the profits. Hard labour stultifies the separate system. To set a man whom we have artificially thrown into a state of depression, whose nervous system we have lowered to the verge of safety, to perform toil which would be severe in the open air and in freedom, and which in the solitary cell becomes torture—is an act of the stupidest cruelty. By the time his task is done, his muscles, nerves, and brain are all exhausted; he is probably fretful and irritable, and certainly sluggish and sleepy. A teacher could make little of a scholar consigned to him with his wits all limp and flabby. In fine, great physical exertion is utterly incompatible with the separate system; and whenever justices introduce hard labour into cellular prisons, they had better at once dismiss their chaplains and schoolmasters. To complete their system they should then stock their cells with air-grinding cranks, reduce the fare to bread and water, and advertise the coroner that he will soon be wanted.

In consequence of the lowering of the vital energies, the brain becomes more feeble, and therefore more susceptible. That is to say, the man becomes more impressible, though this is not the invariable result. The cell will sometimes only increase the reserve of the sullen, the stupidity of the dull, the idiotcy of the feeble, and the craft of the cunning. Solitude is, in truth, a terrible solvent; but the main element in a man's character will sometimes withstand its potency, when all other characteristics are melted down. But as a general rule, a few months in the separate cell renders a prisoner strangely impressible. The

chaplain can then make the brawny navvy cry like a child; he can work on his feelings in almost any way he pleases; he can, so to speak, photograph his own thoughts, wishes, and opinions on his patient's mind, and fill his mouth with his own phrases and language.

Now it must be clearly understood that this impressibleness is really weakness. The brain is susceptible because it is enfeebled. Yet to produce this susceptibility is absolutely necessary for the chaplain's ministrations. He has to deal with a dull depraved nature, and has only a few months in which to work. To minister in spiritual things while the criminal's animal appetites are in full vigour, and while his stolidity presents an impenetrable barrier, would be simply impossible. The worker must render his material more malleable, and get rid of some of the dross, before he can apply his handicraft to any purpose. The advocates of the mark system strenuously object to this being done by artificial means, and denounce isolation as a "soul-subduing unnatural power." The objection is not sound. The diseased man, whether his malady is physical or moral, obviously requires abnormal artificial treatment. And be it noted, that the effect produced by the solitary cell is precisely that produced by adversity or sickness. The man who is half-crushed by some grievous misfortune, or prostrate on a bed of pain, is commonly from similar causes fully as impressible as the lonely prisoner. We are taught to believe that one use of sorrow and sickness is to soften the hearts of sinners, and make them receptive of truth. In a great degree it is by physiological operations that this is done. If sent to minister in a parish, the Christian priest soon finds that heaven-sent affliction assists him beyond measure in doing the work of an evangelist. But should labour in a prison be his allotted mission, he will rejoice that the isolation, which his own and his companions' depravity rendered necessary for the prisoner, will for the nonce serve the same purpose as affliction, and make straight in the desert heart a high-way for his God.

It must be remembered, too, that when the bodily organs of the ignorant, sensual animal with whom the chaplain has to deal

are lowered in tone; when the brain has been weakened into susceptibility, but braced up again by employment, by the school classes, and by the chapel service, the man, raised from his gross carnal condition, and the right balance between his moral, intellectual, and animal faculties restored, is really in a more natural and more human state than before. At first he is not more impressible than any man of ordinary education and temperance. But as the imprisonment is prolonged, he grows more and more impressible; and after the crisis in his physiological progress is passed, he becomes utterly passive—without a thought or a will of his own. It follows then that the discipline, which at first may be rigorously strict, should be gradually relaxed; and at last it will be absolutely necessary to gratify his social cravings, and give him company of some kind. The susceptibility, which at first was indispensable to the chaplain's operations, becomes, as it increases, his greatest impediment. For of course the more impressible the patient, the more evanescent the impression.

It must be fully acknowledged then that the separate system saps the energies and prostrates the will, and this not only by physical, but also by moral means. Like every kind of rigid coercion, it acts as a moral go-cart. The man, compelled by a combination of restraining forces into a prescribed routine of action, loses from want of practice the power of self-control. He abnegates his free will, and relies entirely on the discipline; consequently, when the moral go-cart is withdrawn, he cannot stand on his own feet; he is as helpless and dependent as an infant.

And this shows the incalculable importance of the Discharged Prisoners' Aid Society. Without such a society, the ex-prisoner, deprived of employment by the suspicious selfishness of the public, might be driven by sheer want into crime. But to provide him with work is only one, and that not the most important, of the society's functions, when it forms the appendage of a cellular prison. Suppose the discipline has been successful, the convict is set free full of good resolutions, leavened with religion, but at the same time impressible, unstable, unable to take care of himself, and, humanly speaking, at the mercy of the first scoundrel who chooses to mislead him. It is then of unspeak-

able importance that he should at once meet with such judicious kindness as will foster his good resolutions into good principles and good conduct. In a few weeks, at the latest, and perhaps in a few days, his moral constitution will be braced into health again, and he will be once more his own master. But the short interval is a most critical juncture. There are statistics to show that the great majority of relapses after separate confinement occur in the first few weeks after discharge. Mr. Clay found that if the prisoner did not re-appear immediately, the chances were that he would never come back at all. The separate system without the *Société de Patronage* (to use the happy French term) would be almost useless. Many of these societies are now in full useful operation in this country. Much kindness and judgment are required to work them well, but very little money. They must always be managed by volunteer benevolence; nevertheless the State would do wisely in taking measures to secure their permanent establishment as part of the penal system.[1]

The physiology of the separate system has hitherto been examined without reference to religion. It was important to do this. If religion is ever to exercise its true function in a cellular prison, the men sent to minister there must repudiate all nonsense about "materialistic views," and fully acknowledge that the docility, the grief, and the tears they find in the solitary cell are, in a great measure, due to the abnormal state of the nerves and the brain; that the Holy Spirit of God may indeed be working there, but that these are not the infallible symptoms of His Presence. The same mis-faith which receives the prostrations, the cries, the trances, the experiences of an Irish revival, as the outward and visible signs of regeneration, would hail with rapture the morbid sensibility, the irrepressible emotion, the mental uneasiness of the solitary convict. There is a growing disposition among certain religionists to claim the power of discerning spirits, and to accept mere physical phenomena as

[1] Obviously an intermediate prison is a more perfect instrument than a Patronage Society; but as fifty thousand liberates have to be provided for every year, such prisons could never be established in sufficient number. Of course in every well-managed cellular Gaol an attempt is made to prepare the prisoner physically and morally for his discharge.

criteria of "the state of the soul." This editor well knows that in writing thus he exposes himself to the charge of undervaluing, perhaps of disbelieving in, the operations of the Holy Spirit. But in the present day, if a clergyman ventures to protest against the perversion and degradation of a great truth, he must be prepared to find himself taxed with rejecting the truth itself. But it is just because they do so fully believe in a Holy *Spirit*, who, being a spirit, will work spiritually, and not physically, that sober men recoil with repugnance from the doctrine, that wild excitement and disordered nerves and hysteria are either the signs or the results of the Paraclete's presence. They cannot credit that incipient disease should be the first issue of His advent. Nay, they rather look on this extraordinary faith in physical perturbations as being indeed materialism of a very lamentable kind—palpably tending to manifold fanaticisms and superstitions.

A little knowledge of, and honest attention to, physiology, would have saved many good men from giving unbounded credence to the marvels of the Irish revival, and probably many Gaol chaplains from mistaking the effects of solitude on the nervous system for proofs of repentance. In the previous pages of this volume little respect has been shown to the incredulity with which the public has often sneered at prison penitents; but in fairness it must be allowed that some excuse has been furnished for that incredulity. Chaplains have beyond doubt exaggerated their success: they have in fact been themselves deceived. And of this unquestionably one cause has been the acceptance of mere physical emotions and manifestations as true repentance. But there has been another, and a far more serious cause, which the public has hardly ever suspected. The theory of the able editors, that all chaplains are silly simpletons and all convicts clever rogues, was too easy a solution of the difficulty not to be at once accepted. Of course there was little ground for the theory. If not led away by "peculiar religious views," most chaplains are better able, by their education and experience, to judge of a prisoner's sincerity than most of their critics. Besides, hypocrisy is not by any means so common in Gaols as is generally supposed. A foolish, over eager display of anxiety for "conversions" would naturally produce hypocritical

trickery; but probably so obvious a mistake is seldom committed. Moreover, the prisoner is usually so clumsy an actor, that the sham is seen through at once. The clever rogue, who can really hood-wink chaplain, governor, and turnkey, is seldom met with. It is to be feared, however, that the chaplain is sometimes rather the deceiver than the deceived.

Those who watch carefully the changing phases of Christianity, have long been aware that an unusually selfish version is now widely prevalent. "Be anxious about your souls," is the *sole* topic of much preaching at the present day: and to work numerous "conversions" is the great ambition of many ministers of religion. In its lowered sense, that noble word is now merely a name for the process by which the sinner arrives at the conviction that he has escaped hell and secured heaven. The first stage in this process is to "awaken the sleeper;" to rouse and frighten him into the belief that he is a "hell-deserving sinner;" to agonize him with apprehensions of eternal punishment. When this has been sufficiently done, the next step is to point out certain "comforting texts," to show him the "way of salvation," and to assure him that if he believes, this salvation will be his. This change from threats to promises will produce a reaction of feeling. (Possibly the reaction is in a great measure physical.) The sinner will clutch at this pleasant doctrine, and thoroughly believe it.

Now it is to be especially noticed in all this, that nothing has been done beyond calling the man's selfishness into vigorous action. Yet selfishness is almost synonymous with sin. His "conversion" is merely the addition of selfishness for the next world to selfishness for this. The good man who has brought about this false "conversion" (for if this is *all*, it is false,) will now begin to speak of the necessity for "sanctification," between which and "justification"—now-a-days merely another phrase for "conversion"—he has drawn a perilous distinction.[1] But he cannot carry his disciple any further. The "convert" is already "justified" and "safe." It was not the hatred of sin, but the

[1] I write this in full remembrance of certain texts which seem to, but do not really, contradict me.

fear of hell-fire, which caused him such a terrible alarm; and now that he is insured against damnation, he has got all that he wanted. Doctrines about "election" and "indefectible grace" now become his favourites. He will be guilty of endless baseness and meanness, without misgiving; and if reasoned with on his inconsistency, he will talk some blasphemy about "his own righteousness being filthy rags," and about "his trust in greater merits than his own." But be it always noted that this man, in the ordinary sense of the word, is no hypocrite. He is a self-deceiver; and the well-meaning minister, who in the first instance, by preaching mere half-truths, unwittingly deceived him, is not wholly blameless.

Now this is the history of many conversions at revivals, in sick rooms, and especially in prisons. The chaplain finds a man in his cell sensitive and impressible: it is easy to induce a state of terror and anguish, and to give him "a foretaste of hell." And it is nearly as easy, when this state has been protracted in the chaplain's judgment long enough, to create a reaction, and to comfort the quasi-penitent with the assurance of salvation. And the man will believe in his own "conversion" as thoroughly as his pastor does. There will be no hypocrisy: his language will be all that could be wished, and it will be the genuine expression of his feelings: in fact, his feelings are little more than a reflection of the chaplain's. When he is discharged he will still believe himself a "convert," and his gradual relapse into bad habits will not at first shake his belief. At last, perhaps, great temptation will betray him into great crime; then his self-deception will be dissipated, and he will turn infidel.[1]

The converts who disappoint prison chaplains generally belong to one of the four following classes:—1. The hypocrites. 2. The well-meaning, weak-willed victims of temptation. 3. The physiological penitents, who wept and prayed out of nervous depression. 4. The "converts," not from sin to righteousness, but from temporal to eternal selfishness.

[1] Infidelity — not ignorance, but conscious avowed infidelity—is very common amongst professional criminals. It is to be feared (and I do not write this from pure conjecture) that convicts are sometimes betrayed into their infidelity by the misreligion placed before them in Gaol.

One great reason of Mr. Clay's success (and many other chaplains owed theirs to the same reason) was the soberness and the soundness of his religious teaching. He hardly ever appealed to the fear of hell in his own ministrations, and when he found other ministers (for by act of Parliament ministers of all denominations have access to the cells of their co-religionists) trying to "awaken" prisoners by terrific threatenings, he always contrived quietly to interfere. Yet, though utterly devoid of all appeal to morbid terrors, his own teaching was very stern. To deliver his prisoner over to the scourge of relentless memory, to force him to realize keenly the misery he had caused by his crimes, and make him loathe his own vileness, and understand that God loathed it infinitely more, was always his first endeavour. And when he saw the prisoner brought, not into an agony of selfish alarm, but to utter shame and self-abasement, then he changed his tone. But still, when he spoke of God's pardon, knowing that he had to deal with natures unusually depraved and base, he took unusual care to prevent them clutching the doctrine in a depraved and base fashion. He was the last man to teach in prison cells that heaven could be secured by a sort of spiritual *coup de main;* on the contrary, he emphatically warned his charge that pardon, however freely given, might still be forfeited; he taught them to pray with all their might for strength hereafter to resist the gross temptations of the brothel and the beer-shop; and he urgently implored them to remember, that the spiritual struggle in the solitary cell was but the prelude to the real grim fight with vice and sin which would begin in earnest on their restoration to liberty. In fine, in the prospect which he spread out before the prisoner, the dangers and difficulties of the immediate warfare so filled the foreground, that the vision of heaven far down the dim vista of the future, as yet shone so faintly as hardly to be seen by eyes blinded with penitential tears.

His hopes, therefore, sprang up strong for a prisoner when he heard, first the painful confession of bygone villanies and bitter self-accusation, and then solemn vows for the future,—how the suffering wife should be recompensed for her past misery, how well the children should henceforth be cared for, how utterly he

would forsake drunkenness, how hard he would work to make reparation for his crimes. Discourse about "experiences" and "feelings" and "assurances," which, in spite of all his care, would sometimes arise, he diligently repressed. Very few "converts," in the new sense of the word, left Preston Gaol; but on the other hand, very few who had not resolved, more or less strongly, to make a vigorous effort for their own restoration.

And it was when he saw men smitten with keen shame for the past, and yet humbly resolute to redeem the future, that he recognised the true work of the Spirit. The impressibility, the ready tears, the marvellous docility, he latterly fully understood to be the result of a physiological process. But he knew that no lowering of the nervous system, no abnormal action of the brain, could engender such hatred for sin and yearning after righteousness, or wake up such trembling, reverential love for the Redeemer, as he saw again and again in the cells of Preston.

But when the reformation was as complete as it could be in a prison, unless the expiration of the sentence was close at hand, a new source of anxiety was opened. He keenly felt that a continuance of the imprisonment which would, day by day, weaken more and more the energies of the will, and let the new-born virtues for want of exercise languish away, was a most unrighteous ordeal for the prison penitent. Once or twice in his reports he expresses a half wish that the prisoner might be released when his repentance had ripened, as far as was possible, in the cell. Not expecting to see his wish fulfilled, he never seems to have examined the matter seriously. That endless difficulties would attend the practice, and strong objections lie against the principle of remitting punishment as soon as reformation was complete, is very plain. Both the practice and the principle would suit the "moral hospital theory" exactly; but whether they would not be an infringement on Divine justice is, at least, dubious. "Though eternal punishment," say the theologians, "has been, not remitted, but vicariously borne for us, the same cannot be said of temporal punishment. As a rule, it seems that in this world the course of justice must run out to the end. Penitence may win pardon, and yet not the withdrawal of the penalty. 'The Lord hath put away thy sin,' said Nathan

to repentant David, 'howbeit the child shall surely die.'" The theologians seem to be right. Nevertheless, to prolong punishment to the permanent injury of the sufferer, body and soul, would be a far worse violation of justice than premature remission. The difficulty, however, admits of a very simple practical solution. Of course, separate confinement should never be prolonged when it becomes detrimental to reformation; the remainder of the prisoner's time-sentence should then be changed into a task-sentence, and he should be set to work his way to liberty under the mark system with relaxed restraints and carefully-selected companions.[1]

After this examination of the penal and reformatory effects of isolation, it will be easier to show the soundness of Mr. Clay's opinion, that the separate system supplied, by itself, the right kind of discipline for the incidental offender; and that the mark system would be far more likely to prove efficacious with the besotted profligate and the regular rogue, if it came as the sequel of the separate.

The advocates of the mark system, to the total exclusion of the separate, entirely ignore the difference between the incidental and the habitual offender. Industrial training is the main agency on which they rely; and yet two-thirds of English prisoners are, to begin with, industrious men—hard workers, but unhappily, hard drinkers too; men who labour well and honestly, but who will not forego their occasional drunken spree, or their weekly debauch on the Saturday night.[2] These men are com-

[1] When only a few weeks have still to be undergone, by mitigations of discipline the separate system may generally be made innoxious. It would be well, perhaps, to form labour classes in workshops attached to cellular prisons,—such, in fact, as are now introduced at Pentonville.

[2] "Let it be remembered that 90,000 or 100,000 annually enter our prisons *for the first time*—to be made better or worse. This great number does not belong so much to the criminal *as to the ignorant and neglected portion of the labouring class*—to those home heathens, in fact, whose first acquisition of religious knowledge and feeling takes place in prison. It is of moment to observe, also, that these *first committals* coincide almost exactly in amount with the committals of persons *in employ* at the time of their apprehension. On examining my prison notes, I find that, under ordinary circumstances, about 73 per cent. of offenders were in employ at the time of committing their offences. In Manchester, where a large number of thieves by profession are to be found, the employed offenders (males taken into custody) are only about 65 per cent. The proportion of prisoners committed annually for the first time in North Lancashire (74 per cent.), agrees

monly utterly ignorant, sensual, and irreligious; and therefore the cell which tames sensuality, facilitates instruction, and clears the way for religion, is the best discipline for them. In a few months the reckless, selfish workman may be discharged from his cell with his mind awakened, his dormant affections roused into action, and with religion, in the truest sense of the word, busy in his heart. Probably years of industrial training would not produce so good an effect. But the case is quite different with the habitual profligate or criminal. Unlike the other, he has no habit of industry to form his safeguard on his discharge, but a habit of idleness to facilitate his relapse. He might be dismissed as full of good resolutions, but he has to acquire, not only good principles, but good habits. The moral go-cart can never teach him to "walk uprightly;" he can only learn that by practice, as nearly voluntary as possible. The mark system is wanted to teach him industry and self-control.

very closely with the proportion in employ, and nearly the same proportion of first committals obtains in England and Wales collectively. I say it is of moment to observe these facts relating to first committals and offenders in employ, because it has been assumed that the great majority of prisoners in this country is of the same class of offenders as the corresponding majority of prisoners in France. That class of society which, in France, according to M. Bérenger, consists 'of those who can and ought, but will not work, embraces the great mass of vagabonds, mendicants, and petty depredators, who, from no want of work, or capacity, but from sheer idleness, and want of early care and training, prey upon society, and compose the staple of criminals.' It is hastily concluded that this fourth class in France has its counterpart in England, and 'supplies nine-tenths of the crime against social laws.' (*Adderley's Punishment is not Education.*) This, however, is a great mistake, and is calculated to lead to mistaken action: for if those who are vagabonds and depredators from choice, though the alternative of remunerative labour is offered to them, furnished nine-tenths of our prisoners, the legislature of the country, in restraining such an immense body of trained criminals, would have a yet heavier task imposed upon it than it now has. But careful inquiry justifies the conclusion that our prisoners, to the extent of three-fourths of their whole number, belong rather to M. Bérenger's second class, 'those who must and will work for a livelihood; — functionaries, artists, professional and commercial men, tradesmen, and labourers, exhibiting a sliding scale of crime proportioned and suited to the temptations incident to a want of, and access to, the means of enjoyment.' If I am right in these conclusions, it results, that while, in France, the diminution of prisoners must be sought chiefly by wielding the strong and repressive arm of authority, here in England the same end must be sought by employing the gentle and preventive power of instruction. Different modes of treatment are required for those who are idle and criminal by choice—as in France—and for those who, as in England—are always ready to work 'with a will,' but, alas! to drink 'with a will' also."—*Report*, 1856.

It must be clearly understood, then, that the mark system can only teach good habits, not—except as a consequence—good principles. "Criminals," said Captain Maconochie, "live uncontrolled by the laws and motives which render ordinary men honest. We must bring them under the influence of these laws and motives. It is the interest of the honest man, and we must make it the interest of the criminal, to be industrious, temperate, and kind. Substitute a task for a time-sentence, and we have at once the means of doing this. If we put it in the power of prisoners to hasten their restoration to liberty by industry and self-denial, and to help or retard each other in the race to the common goal by their good or bad conduct, we enlist them on the side of virtue by self-interest, and train them to *habitual* industry, self-denial, and kindliness." The plan is beautiful, ingenious, and—fundamentally wrong. Captain Maconochie's great boast was, that his system was a copy of nature. An artificial method of reformation should do something more than imitate "nature" in the ordinary sense of the word. A century ago, when "moral philosophy," and all the old doctrines about "motives and necessities," "rewards and punishments," were in full vogue, the old sailor's scheme would have been pronounced perfect, and have received the benediction of Bishop Butler himself. Happily, of late years, men have grown rather sick of mere moral philosophy, and have discovered that it is nothing but Judaism modernized, and not by any means improved. The Jewish religion was, of course, a system of rewards and punishments, acting by motives, and so forming habits, which in the end, perhaps (though never without Divine grace), might deepen into principles. Christianity is the exact reverse of all this: it seeks to create, not habits, but principles; working from within, and not from without, it begets a new nature. The motives in the midst of which God has placed us, rewards on this side, penalties on that, are intended to exercise, confirm, and surround with habits, that better nature which they could never have created, for it is "born of the Spirit." Habits once formed are the safeguards of the principle, outer barriers which may often save the inner citadel from being stormed by sudden temptation. The mark system, which is throughout an appeal to lower

selfish motives, works on the Jewish plan: the separate, under the hands of a wise minister of religion, does the utmost, perhaps, that human means can do to promote the great end of Christianity, the birth of a better nature.

It is perfectly true, that the mark system may be, and by its author in Norfolk Island was, so modified as to give some play to religious influences; but to this end it must have a long time in which to work. Captain Maconochie saw, that if the lesson of industry was to be thoroughly taught, the convict must work at least as hard in prison as he would have to work to earn his livelihood when set at liberty. Any clergyman who has toiled with adult evening schools on the week day, and the usual machinery on the Sunday, to rouse up real religion in men of such stuff as criminals are made of, and worked as hard as Captain Maconochie would have worked them, knows full well that years must be devoted to the task before the fruit appears; and that at last it will be but scanty. If the convict has undergone the essentially religious part of his reformation in the cell, before his probationary training begins, that training will then work the intended good far more thoroughly and speedily than otherwise. Those who urge the adoption of the mark system in common Gaols, as well as in convict prisons, have overlooked the fact, that long sentences are essential to its success. Whereas, in ninety-nine cases out of a hundred in England, the problem is to produce a great effect in a very short time. Hitherto, the system has only received three trials in ordinary prisons—at Birmingham, at Munich, and at Valencia, in Spain.[1] The experiment at Birmingham was cut short before its value could be fully ascertained; but however great the success might have been, the question would have arisen, how much was due to the man, and how much to the method. Alexander Maconochie would have succeeded, though the mark system failed. In the

[1] A system of prison-discipline, in all essential respects the same as Captain Maconochie's, was introduced into the prisons of these two cities some years before his own experiment in Norfolk Island. M. Obermaier, the governor of the Munich prison, first tried his plan in the smaller prison at Kaiserslautern, as early as 1830: his system is now adopted in many parts of Germany. The experiment at Valencia was commenced by Colonel Montesinos in 1838; but unfortunately, after years of success had proved their soundness, the Spanish government, lately, on the promulgation of a new penal code, abandoned all his principles.

Bavarian and Spanish prisons the sentences are of great length —four or five years at the shortest; and undoubtedly their marvellous success (for it has been marvellous) was in a great measure owing to this; but owing, probably, in a still greater degree, to the characters of their respective governors, M. Obermaier and Don Manuel de Montesinos, men cast in the same mould as Maconochie.

And for the discipline of a common Gaol, the mark system has another ruinous defect: it cannot prevent contamination. When Mr. Clay was examined before Lord Brougham's committee, he spoke most strongly of the impossibility of preventing intercourse among prisoners being foul and pernicious, as long as they associated "in their character as prisoners." He had seen every attempt to stop mutual corruption, short of absolute silence or separation, so utterly fail at Preston, that he believed no other method would ever succeed; and he could suggest to the committee nothing better than the adoption of some mitigated system of dumb discipline among the convicts on public works. A few days later, he met Captain Maconochie for the first time, and learnt from him the true nature of his principles, his previous knowledge of which had been very imperfect. He at once gauged their true value. "A system," he said, "which instead of making religion the main principle, only brings it in as an accessory, will never do. But the mark system is precisely what we want for the second stage of punishment." The prisoners come together from their solitude almost all full of good resolutions, and the healthy stimulus of the system is quite sufficient to keep alive and strengthen those resolutions, and to occupy their minds to the exclusion of foulness and criminality. Hard work, *if voluntary*, will alone almost prevent lust and insubordination. Besides, if the bad men are weeded out, it is quite possible to create a good spirit among the convicts, which will impose an effectual check on filthy talk and felonious practices; and this spirit once evoked, may with care be easily preserved. New convicts come in so slowly, that they cannot deteriorate, but on the contrary soon catch, the prevailing tone. But all this is totally different in a common Gaol. There the prisoners are turned in with their lusts and villanies fresh upon them; instead

of a remission of two or three years from their sentences, the governor can only offer two or three days or weeks, and the bait is not strong enough to stimulate that degree of industry which prevents mutual corruption; and if by dint of great pains a healthy tone is produced in the prison, it is liable to be constantly destroyed by the arrival of fresh batches of scoundrels.[1]

And there is yet one more objection to the universal adoption of the mark system: it requires a Captain Maconochie to work it. To be nearly independent of human agency is the greatest merit any system can possess, and in this respect the separate system far surpasses its rival. It can be worked successfully by common-place men. A *gentleman* of probity and fair intelligence, who will repress abuses, keep his officers to their duty, and be vigilant, punctual, kind, and firm himself, will make an excellent governor for a cellular prison.[2] In the chaplain, who should be the real head of the prison, for on him hangs the reformatory success of the discipline, rather higher qualities are required: self-devotion, earnestness, and ready sympathy, combined with a shrewd insight into human nature, and a perfect freedom from fanaticism. Superior education, eloquence, and high brain-power, are not absolutely necessary. In fact, though men of a higher stamp would of course accomplish greater

[1] It appears, at first sight, that this evil is guarded against in Captain Maconochie's plan. He placed the prisoner, to begin with, in a separate cell, his object being to impart an impulse. "I would allow nothing," he said, "but the coarsest brown bread and water for diet, without artificial heat, or gaslight, or bedding, beyond a rope-mat and a blanket, visited from time to time by the chaplain and prison officers, but by no other, and with only some means of cellular labour for company or employment. . . . The task should be a hard one, the object being to stimulate exertion by a strong motive." The prisoner, when his task was done, was to gain a remove, and then on, from stage to stage, every stage but the first being "social." But there is obviously nothing in all this to prevent libidinous, felonious talk when the officer in charge was out of ear-shot: the prisoner might have worked hard to get out of his hateful cell, but he would not be one whit reformed. A lot of bad fellows in a workshop, with very little to gain by their good conduct or their industry, would be sure to indulge in mutual corruption, to the utmost extent possible, without incurring punishment. The "social system" (Maconochie's favourite alias for the better known name) would soon have to be hardened into the silent.

[2] One chief thing that he has to remember is, that the separate system is a restraint on natural and innocent instincts. Every effort, therefore, should be made by physical and moral means to maintain discipline, but punishment should never be resorted to except in cases of the most absolute necessity. Any item of discipline which cannot be enforced except by docked rations, dark cells, and the lash, had better be at once abandoned.

things, good second-rate clergymen will suffice as chaplains, and good third-rate gentlemen as governors, under the separate system. And if they will only refrain from clipping the salaries too close, the justices may always obtain the services of such. But the governor, under the mark system (where the chaplain should sink into the second place), must possess better and scarcer qualities—infinite patience, keen sagacity, rare tact, and pure justice. To apportion his work to each convict, so as to give the strong and skilful no unfair advantage over the weak and stupid, is alone a most delicate and difficult task. He has to inspire complete confidence in his own integrity, to win respect and enthusiastic affection, to make each prisoner feel his influence, and infuse his own spirit into all his officers—in fine, not by force, but by the power of his own heart, will, and brain, he has to *rule*. But such "a true *aristos* and commander of men" we can ill spare for felon-mending—we shall want from him some nobler work than that. At the utmost, we can only furnish a few such for our convict prisons. Our 200 Gaols must make what shift they can with systems instead of Maconochies.

It remains to relate how the mark system has *not* been adopted in the convict prisons of England.

In the year 1850, Earl Grey procured an act to abolish the old cumbrous machinery by which the convict system was worked. The act was urgently needed, for there had previously been such a confusion of boards and commissions as was quite enough to ensure endless bungling. Besides minor officials there were visitors at Parkhurst, commissioners at Pentonville, inspectors at Milbank, and a superintendent of the hulks. Instead of all these, a board, subject to the Home Secretary, was now appointed, of "directors of convict prisons," three in number; and the official aliases of Sir Joshua Jebb were amalgamated into the office of chairman. His appointment to this office lodged in his hands the almost entire control of the government prisons. To him, therefore, mainly belong the credit and the blame of their subsequent management.

It was on Portland Island, as already narrated, that the first probationary prison was erected; the second was established at Dartmoor. The latter was originally an old war prison. Forty

years before Mr. Holford's Committee had urged its transformation into a Penitentiary, and the idea, once started, was revived from time to time. In 1836, for instance, it was a question whether the new Reformatory for boys should be located there, or in the Albany Barracks at Parkhurst. Dartmoor possesses great advantages for a penal establishment. What with turf-cutting on the moor, and spade-husbandry on the adjacent waste lands, there is an endless supply of labour. These facilities for light work, together with the salubrity of the climate, induced Sir George Grey and Colonel Jebb to select the new prison (which was first used in 1850) as a dépôt for the invalids, who had formerly been cooped up in the *Defence* hulk at Portsmouth. Of invalids there are commonly about 1,200 at Dartmoor; as a rule able-bodied convicts are not sent there. At night, and at meal times, the prisoners are locked up in separate cells like those at Pentonville, but of much smaller size and lighter construction, the partitions between them being made merely of corrugated iron. Cells of this kind were first used at Portland, and afterwards in all the later-built convict prisons.

In April, 1852, a third convict prison was opened at Portsmouth to receive all the healthy convicts from the two old hulks which lay there, the *York* and the *Stirling Castle*. The former of these was then broken up, but the latter was retained for some time longer as a receptacle for invalids too weak for the light labour of Dartmoor. The pestiferous old hulk was, of course, as unlikely to promote their health as to improve their morals: however, after a time, a hospital was established, first at Lewes and then at Woking. At Portsmouth two errors were committed, against both of which Colonel Jebb had often been warned. At Portland and Dartmoor the convicts are, as they ought to be, completely isolated from the world; but at Portsmouth they work in the dockyards, in constant contact with the free labourers, to the great detriment of both. And besides this, many of them are set to stupid, degrading work, such as dragging carts about like beasts of burden. The reformatory effects of reducing some hundreds of convicts to an equivalent for as many dozen horses have not been remarkable.

The average number of women sentenced to transportation in the course of a year was at this time about 450. The practice had been to ship them off to Australia as fast as they accumulated in sufficient numbers at Milbank, where they were never detained many months. But when the stoppage of transportation came, it was at once necessary to provide for them a probationary stage of discipline in England. To meet the emergency as quickly as possible, Colonel Jebb, in 1853, bought the old prison at Brixton from the Surrey justices, and had it fitted up with all speed for the reception of female convicts. The discipline at Brixton is, as far as possible, an imitation of that in the men's prisons; the lack of out-door employment, for want of which the women's health is apt to suffer during their long terms of penal servitude, presents the chief difficulty. To establish a women's prison, however, was a far easier task than to provide for them on discharge. The female felonry had always met with a hearty welcome in the colonies, but in England a woman with a prison-stain upon her has generally little choice between vice and starvation. With wise humanity, therefore, a "Refuge" was opened at Fulham, to be rather a home than a prison for the women from Brixton, where, if they chose, they might by good conduct earn back their characters, and gain the confidence of some employer. The intention was better than the execution. The Fulham Refuge has not been without many good results, but they are far from commensurate with the expense. The women are grossly overfed; there is a lack of moral power in the discipline, there is too much routine and restraint, and no efficient means by which to foster and test self-control. It would have been far better to have intrusted the Refuge to the care of ladies, armed them with sufficient legal authority, and then left them to redeem their fallen sisters by their sympathy and devotion. The ladies might have been found, if sought for: as it was, a small band volunteered their ministrations, with an aged lady at their head, whose name carries us back to an earlier period in the history of prisons—Mrs. Fry's old friend and fellow-worker, Caroline Neave.[1]

[1] Sir J. Jebb was well aware of the superiority of private volunteer benevolence over well-paid official philanthropy; and therefore he did his best to get the

In the year 1857, when the criminal question was under eager discussion, the last English hulks, those at Woolwich, were at length abandoned, and in their stead one more convict prison built at Chatham. The discipline there is the same as at Portsmouth: the convicts, except those employed on St. Mary's Island, are thrown among the dockyard labourers, and are condemned to dreary and degrading work. Another mistake, too, was made at Chatham, similar to one already committed on a smaller scale at Portsmouth. The iron sleeping-cells, instead of being placed in detached blocks containing two or three hundred each, were all massed together to the number of 1,100 in one building. Half-a-dozen riotous scoundrels can consequently make din enough, even in their cells, to rouse and excite the whole body of prisoners. In the recent outbreaks at Chatham, the bad effects of this serious error in the construction of the prison were very apparent.

The establishments at Portland, Dartmoor, Portsmouth, Brixton, and Chatham, with the hospital prison at Woking, serve as the second-stage prisons for all government convicts from England, Scotland, and Wales. Ireland has her own convict prisons, with a very different scheme of discipline. But before examining either the English or the Irish system, a brief sketch must be given of the circumstance to which their development is due—the change of transportation into penal servitude.

When the term of two years, for which, in 1846, transportation was suspended, was on the point of expiring, Earl Grey addressed circulars to various colonial governors, setting forth how much convicts had been improved in quality by the double process of solitary reformation and social probation, and making inquiries as to the possibility of importing them, as ticket-of-leave men, into the colonies under their rule. The answers received were not favourable to the propagation of felony in foreign parts. The climates, for instance, of the Mauritius and Ceylon, were represented as too hot; the native inhabitants of New Zealand as too warlike. The Cape would have made an excellent reservoir for

female convicts taken charge of by the old Refuge for the Destitute; but, unfortunately, the negotiation which he commenced for that purpose with the Committee proved fruitless.

criminality, but when the first cargo of ticket-holders arrived, the colonists, in spite of Sir George Grey's solemn assurance that they were only "technical convicts," rose up in rebellion. In New South Wales and South Australia, the settlers were in urgent want of labourers, and therefore less averse to transportation; indeed, while the regular system was in abeyance, they had received several hundred "exiles" from Pentonville with the greatest willingness. But though the question whether convicts or coolies were the cheapest deeply agitated the colonial mind, as soon as the proposal for a thorough re-establishment of transportation was officially made, it elicited a demonstration of almost universal repugnance. In fact, the great power and wealth to which they had now risen, and the bran new constitutions which they had just received from Earl Grey, had of late rapidly developed the patriotic pride of the colonies, and made them eager to obliterate the memory of their larcenous origin. An anti-convict league was formed, and quickly grew into political importance; both at Port Philip and Sydney, the attempt to land transports was resisted by force; and it speedily became manifest that the old felon-trade, in spite of the undoubted improvement in the commodity, could not be revived, except at the risk of a colonial war.

At this juncture, Earl Grey received a most opportune petition for convicts from the old Swan River settlement in Western Australia. This colony, after struggling with endless difficulties for many years, was at last sinking into hopeless pauperism, and to make it a penal colony was now the last chance of salvation. The settlers wanted, not only labourers, but roads, bridges, docks, &c., and they therefore petitioned for penal public works as well as for ticket-of-leave men. The request was granted in full, although it involved an abandonment of Sir George Grey's principle, that the second stage of discipline should be passed through at home. The object of the colonists was obtained: the settlement recovered itself, and has since grown wealthy and strong. The importation of convicts necessitated an annual expenditure of 80,000*l.*, or 100,000*l.*, of public money in the colony; they brought with them many free emigrants, and in many cases were soon followed by their wives and

families.[1] None of the worst, though many of the minor, evils of transportation arose in Western Australia; and it has served as a most useful outlet for many half-reformed convicts, whose forced virtues would scarcely have survived the ordeal of liberation at home. By degrees, however, the incurable badness of the system became manifest. The class of felons sent out has caused a chronic grievance. It was, of course, the interest of the mother-country to export the worst, of the colonists to obtain the best; and the latter had to learn repeatedly that "beggars must not be choosers." As yet the lavish expenditure of government money has reconciled them to the reception of their burglarious guests, but at last they are growing impatient. Probably, the Transportation Committee of the House of Commons, now sitting, will put an end to the costly device of bribing an unwilling colony to endure our criminals.

Western Australia, however, could only receive 300 or 400 transports a year, and the annual supply was nearly 3,000. For nearly three years a receptacle was found for the surplus in Van Diemen's Land, where the felon-traffic had never been abolished, as in other colonies, but only suspended. In the breathing time given by the two years' suspension, under the energetic rule of Sir William Denison (Sir Eardley Wilmot's successor in the governorship), the convict chaos in that colony had been reduced to order. The expenditure had been diminished, and work found for the men; strict discipline was enforced at the "stations," and the vilest abominations were rigorously suppressed. The colonists, too, had recovered from their commercial embarrassments, and were able once more to appreciate the convenience of an abundant supply of convict labourers (at the cost of the mother country), which, among other advantages, kept down the wages of free workmen to one half the extravagant rate established in Australia. In 1849, Sir W. Denison

[1] The Government undertook to pay half the passage money of the wives and families of convicts, if the men themselves, out of their earnings and gratuities, or their friends, or their home parishes, would pay the other half. At first, the ticket-of-leave men were required to repay their own passage money; but this proved to be false economy, for it compelled them to ask higher wages than they would otherwise have been glad to accept, and thus limited the number of masters who would, or could, employ them.

reported that he was able to receive more felonry from home, and shipload after shipload was accordingly dispatched. But it soon appeared that the great majority of the colonists, regardless of their apparent interests, were bitterly adverse to the revival of transportation. Shrewd enough to profit by the system while it lasted, the farmers and manufacturers flocked down to bid for the services of each fresh cargo of ticket-holders, but their opposition was none the less determined and energetic. And this opposition could now be carried on with all the force and dignity of constitutional forms. In accordance with a principle shrewdly propounded by Lord Derby some years before, that representative assemblies were incongruous in penal settlements, the Tasmanians had hitherto been governed by stringent police law. But the batch of constitutions sent out by Earl Grey in 1849 to the Australian colonies included one for Van Diemen's Land. The councillors elected under the new constitution in 1852 were almost to a man pledged to resist the felon-trade; and accordingly they made it their first business to pester the governor with complaints, to ply the Colonial Office with petitions, and to join the Australian Anti-convict League. The continental colonies made common cause with them, and the tendency of the affair to develop into a revolt grew so manifest, that when Lord Derby's Parliament met in November, the ministry recommended, in the Queen's Speech, a discontinuance of transportation; and in December, on the eve of quitting office, Sir John Pakington dispatched a pacific promise of concession to Hobart Town.

The refusal of Australia to keep an open cesspool for the criminal sewage of England, however deodorized, stirred up no little British bluster at home. Many were the schemes broached. One party, headed by Earl Grey, whose fondness for transportation grew as fast as the colonists' antipathy, recommended coercion. Another raised a cry for penal colonies in new localities, naming, for preference, the Falkland Islands or Greenland, in spite of the objection that convicts could never be absorbed into the free population—the great end of the old system—in places where such a population was non-existent. A third party contented themselves with applauding transportation as the most

deterrent of punishments. But this assertion, if ever true, was now utterly falsified by the course of events. The discovery of the gold-fields, which were attracting emigrants by thousands to Australia, had stripped the punishment of almost all the scanty terrors it ever possessed. It was useless to argue that there was no gold in Tasmania, for the felonious classes were not learned enough in geography to take that circumstance into their calculations. Besides, it was an undoubted fact, that hundreds, not only of expirees, but of escaped convicts too, eventually found their way to the diggings.

The stoppage of transportation brought the administration of criminal justice to a dead lock. To meet the difficulty the Ministry prepared and passed with all speed a measure, since known as the First Penal Servitude Act. As a final acknowledgment that it was England's duty to consume her own criminality, and for the sanction which it gave to various important principles, this act (which became law in the autumn of 1853) was, nothwithstanding many serious flaws, very valuable. In the course of execution, however, it was stultified into complete failure.

At the time the bill was passed, there were on hand about 7,100 prisoners under sentence of transportation, besides those at Bermuda and Gibraltar. With these the Government was bound to keep faith. According to the previous regulations, each of them, after passing from nine to twelve months in solitude, became eligible for removal into association at the public works. Their period of detention there varied according to the length of their sentences. A sentence of seven years' transportation entailed three years' of labour; of ten years', four and a half; and so on. But by exemplary conduct a prisoner might earn a very considerable remission: the seven years' man as much as twelve months, the ten years' man twenty-one months, and those under longer sentences in proportion. As soon as a prisoner had served his time, he could claim to be sent to the colonies with a ticket-of-leave. The question, then, that arose was this,—How was faith to be kept with these men? The necessity for some settlement was very urgent, for the few months during which their fate was in suspense were sufficient to produce insubordination,

and even revolt, in more than one government prison. To send as many as possible to Western Australia, and to liberate the rest with tickets-of-leave in this country, at the time when they should have embarked for the colonies, was the plan which Lord Palmerston adopted, and the act ratified. Undoubtedly this was a right decision, but in the execution of it a most egregious blunder was committed. The power of revoking the licences to be at large was reserved to the Crown, and the terms on which the revocation would be enforced were endorsed on the back of them. In these terms the liberated convict was clearly warned that, till the period of his original sentence had expired, "if he associated with notoriously bad characters, led an idle or dissolute life, or had no visible means of livelihood," he would be arrested and recommitted to prison. To ensure the safe working of this scheme, the convicts should have been placed under strict surveillance, required to report themselves regularly at short intervals to the police, and ruthlessly apprehended on the first symptoms of relapse into crime. Every one of these precautions was deliberately *not* taken. The ticket-holders themselves, backed by some foolish philanthropists, represented that they could not obtain employment as long as they were marked men, and meddled with by the police; and in compliance with this representation, the police were actually instructed to let them alone, to forget their former offences, and to remain in official ignorance of their identity till compelled to arrest them for fresh crimes. To render their obedience to this preposterous plan more complete, all information that could have been useful respecting the licensed men was systematically withheld. On his discharge the convict was taken to a railway station, his fare was paid to his old place of residence—the worst place in the world to send him to—and he was presented with a post-office order, made payable in the most convenient locality, for half the amount of his accumulated gratuities, probably three or four pounds. (He might obtain the other half three months after, if he could find any magistrate or clergyman kind enough to give him a testimonial.) On his arrival at home, he might either resume his old habits under the nose of the policeman, secure of impunity as long as he escaped a fresh conviction; or if he

preferred, he might abscond to another district, and there begin a new career of crime with an unblemished character. In case he was apprehended there for a fresh offence, he would probably, on the strength of his supposed good character, get off with a few weeks' or months' imprisonment. The discovery of his ticket-of-leave under such circumstances might entail unpleasant consequences; but, of course, he would provide against this awkward contingency by burning it long beforehand.[1]

The mal-administration of the ticket-of-leave system was enough, and more than enough, to ensure its utter failure, and to provoke popular reprobation. This was the more lamentable, as from the first the British public were averse to the experiment. At the first stoppage of transportation, a panic arose at the prospect of England having to suffer the same evils, which for nearly a century she had inflicted without compunction on her colonies. The blunders of the Home Office, which presently became apparent in an increase of burglaries and garotte robberies, naturally aggravated the panic which, without any aggravation, would have been sufficiently rampant. The nonsense written by many of the able editors about "the hordes of ruffians designedly let loose on the country by the Government," was simply pitiable; the marvellous ignorance, too, that they displayed in the midst of their dogmatism, was almost incredible.[2] The public evidently thought that some peculiar malignity resided in the ticket-of-leave itself. That it was meant to be, and if the original design had been carried out, would have been, a check on the convicts, and a safeguard to the public, was seldom suspected. The most preposterous notions were also afloat about the number of ticket-of-leave men, for the public persisted in fastening the name upon

[1] One illustration may be given to show how ticket-of-leave men enjoyed the delicate consideration shown them. In February, 1856, the Recorder of Birmingham sent to the Home Office a list of nine licence-men, known by the police of that town to be living in the odour of criminality, the companions of reputed thieves; but Sir George Grey "saw no sufficient reason for revoking their licences." One of these men was named Thomas Wotton. In February, 1857, a daring burglary was committed at the house of the Rev. J. Nodder, of Ashover. The burglary made a great sensation at the time, and will probably be fresh in the reader's recollection. The head of the gang, a fellow nicknamed "Shog," was afterwards cleverly caught by the police at Birmingham. "Shog" was an alias for Thomas Wotton.

[2] Most of the *leading* journals, however, supported the principle of granting licences, though they were justly severe on the errors of the Government.

all discharged prisoners alike. In reality they were scarcely more than five thousand, and while such a hubbub was made about this comparatively small number, full fifty thousand were discharged in the year from the old hodge-podge Gaols, after due instruction in villany, and probably in a far more felonious state of mind than the most burglarious licence-man. Moreover, for many years past, hundreds had been annually discharged from the execrable hulks, on the expiration of only half their original sentences of transportation. But people, in their ignorance of this pernicious practice, had never suspected that it was their duty to be frightened.[1] The men let loose from the hulks, trained during their probation there to consummate scoundrelism, were villains of the most dangerous kind; while without accepting in full the utopian statistics of official optimists (who presumed that every liberate was reformed unless they heard to the contrary), there was no reason to doubt that many of the licence-men abandoned their criminal pursuits. Many attempts were made to allay the alarm; Mr. Clay among others strove hard to remove the vulgar errors. But the public refused to believe, and in their blind panic increased the evil. The ticket-holder was generally marked as an object for persecution, and many a man, though painfully anxious to recover his character, was driven back into crime by the cruel selfishness of timid fools.

It is probable that the popular outcry drove the Government into a new blunder. The original draft of the Penal Servitude Act was essentially different from the bill that was carried. The first intention was to create three kinds of secondary punishments: transportation to be the severest, imprisonment the slightest, and penal servitude the medium. To this end penal servitude (that is, labour on public works) was substituted for transportation in the case of all sentences under fourteen years, —indeed, at the option of the judge, it might be substituted for a longer term. (By this change faith was unwarily broken with the Western Australians, who hitherto, according to promise, had received none but the able-bodied and less atrocious felons; for

[1] It was not until the resumption of transportation under the management of Earl Grey, in 1850, that an attempt was made for the first time to export *all* the convicts sentenced to transportation.

the next few years they were saddled with the worst in character, and many of the weakest in health.) A calculation was made how much extra-slavery on public works should be superadded to the period usually passed there to make the addition equivalent to expatriation under a ticket-of-leave; and the decision eventually adopted was that four years of penal servitude, including nine or twelve months in solitude, should count for seven of transportation, that is, for the same period of solitude, two years at least on the public works, and banishment afterwards; in like manner that six of servitude should count for ten of transportation, and so on in proportion. No portion of these terms was to be remissible—they were to be served out to the last day. In this form the bill was introduced into the Upper House by Lord Chancellor Cranworth; but Earl Grey strongly protested against the abandonment of the now established principle, that convicts under long sentences should be stimulated to good behaviour by hope, and that the hope of regaining freedom by their own exertions was of all kinds the most potent. Lord Cranworth acknowledged the force of the objection, and so far remodelled the bill before it went into committee, as to take power to grant tickets-of-leave in every case.

In the passage of the bill through the House of Commons the subject was again mooted, and Lord Palmerston once more reaffirmed the principle, that a sentence of penal servitude should not debar the convict from obtaining some remission. It is true that no distinct promise to issue tickets to convicts of this class was ever given by the Ministry; the act was permissive, and not compulsory. Still, the language of the act, and the commentaries upon it in Parliament, were so clear, that for the space of two years many judges, recorders, and chairmen of sessions, passed sentences of penal servitude in the full belief that the convicts could earn their tickets on the same conditions as under the old equivalent sentences of transportation. If a contrary purpose was hidden in the bosom of the Home Secretary he never declared it. Till within the last few years the judges were supposed to know by intuition all the regulations for convicts which the Home Secretary made and un-made at his pleasure. As, however, what with the exigencies of the times and

the crotchets of successive ministers, the penal system was subject to chronic perturbation, and the regulations in consequence to constant change, they commonly had hardly any notion what would be the effect of the sentences they passed.[1] But in the matter of licences there seemed no doubt, and therefore many judges dealt out sentences of nearly double the length they would otherwise have awarded, and solaced their convicts with the prospect of proportionate remissions. Thus the matter stood for two years, and the penal servitude men, seeing some of their comrades, the transports, weekly liberated on licence, were already growing restless at the uncertainty of their own fate, when most unexpectedly, in the autumn of 1855, there appeared a letter in the *Times* from Sir Joshua Jebb, announcing that their terms must be served out to the uttermost hour. That the clamour against the ticket-of-leave men occasioned this sudden decision is more than probable. The men under sentence of transportation were nearly all disposed of, and in a year or two the prisons would be clear of them; if, therefore, their tickets, which had never been promised, were withheld from the penal servitude men, the obnoxious system would expire of itself, to the great satisfaction of the British public. This was manifestly the idea in Downing Street. It was thought necessary, however, to provide some stimulus to good behaviour and industry, as a substitute for the hope of freedom. The convict's period of labour upon public works was accordingly divided into four stages, and the privilege of rising from the lower to the higher offered as a lure to submission. In the first stage the convict was under the ordinary discipline of the prison; in the second, in addition to his previous privileges he might write a letter, and receive a visit every two months, wear a badge, and earn an additional sixpence a week—to be credited to his account, and paid on his discharge; in the third, the sixpence rose to ninepence, he was adorned with two badges, indulged with a letter and a visit once a month, allowed tea at his supper and half a pint of beer at his Sunday's dinner; in the fourth, the ninepence grew to a shilling, an occasional variety of diet was permitted, he might keep his gas jet burning at night for an hour longer, and wear a more

[1] This anomaly is at last removed, thanks mainly to M. D. Hill, Esq.

becoming dress, than his less-favoured comrades. The primitive simplicity of this scheme, and its beautiful reliance on the natural amiability of burglars, if accepted as evidence that the hoary statesmen of Downing Street, in spite of their years and their politics, still retain the sanguine and trustful temper of youth, is hardly less than touching. The authorship of the Arcadian programme belongs officially to Sir George Grey. We seem, however, to discover a mind of another order: a pleasing sentiment pervades the whole, which could scarcely emanate from a politician so shrewd, so practical, not to say, so dry. The scheme glows with the genial Pelagianism of the premier himself. No statesman, with a faith less firm than Lord Palmerston's in the natural goodness of human nature, would ever have devised so idyllic a discipline for the fallen and the felonious. The theory is, in truth, affecting. We imagine the better nature of the pickpocket by degrees awakening under the gentle stimulus of prospective sixpences; we speculate on the wondrous change produced by the gradual rousing of the epistolary emotions; we anticipate the happiest effects from the monthly reception days on which his old pals would come for counsel and comfort; all our sympathies are evoked for the convict who would never let his angry passions rise, but ever quelled the wish to knock down a turnkey by sweet thoughts of the vespertinal teapot and the hebdomadal half-pint of beer.[1] Alas! that sober facts should ever dispel the pleasing theories of Pelagian statesmen. Yet so it was. Deprived of the stimulating love of freedom the men grew turbulent and sullen, and as the number under sentence of irremissible servitude accumulated at the convict prisons, to maintain discipline among them became a difficult and almost dangerous task.

Altogether, the First Penal Servitude Act signally failed; and in the session of 1856 it became urgently necessary for Parliament to reconsider the whole matter. Committees were

[1] I suppose the actual framing of the rules would devolve on Sir J. Jebb, but he must have drawn them up against his better judgment; for both he and his colleagues were fully aware from experience—and they plainly said so—that some prospect of remission was necessary to stimulate convicts under long sentences to good behaviour.

moved for in both Houses, the Lords undertaking to investigate the possibility of resuscitating transportation, the Commons to inquire into the operation of the recent act. To found a new colony of felons was still a favourite idea with the public and the press, but the Lords' Committee finally proved that the scheme was impracticable. The members were almost all advocates for transportation, and they reported strongly in favour of its theoretical advantages; but at the same time they were quite unable to recommend with sufficient emphasis any new place as suitable for a reservoir of crime. The Gulf of Carpentaria, on the north coast of Australia, seemed to be of all localities suggested the least open to objection. Still the heat of the climate, and the certainty that the convicts would filter down into the southern settlements, and occasion a colonial grievance, forbade the formation of a new receptacle there. To deal warily with the West Australians, who had been provoked into vehement remonstrance by the atrocious character of the convicts sent them recently, was the only advice of practical importance that the committee could give. The Commons, like the Lords, commended the theory, but were equally unable to suggest any method for reviving the practice, of transportation: and the act passed in the next session settled the question by its final abolition. Expatriation to West Australia was for the future to be offered, not as a punishment, but as a boon to meritorious convicts. Whether those chosen have always been meritorious is more than doubtful. It is said, but let us hope untruly, that special instructions are issued to select those least fit to be set at liberty in this country. Taking it for granted that this statement is incorrect, the rule must be to select at haphazard. Sir J. Jebb refuses to adopt any method for testing whether a convict's reformation is genuine—that he has been a "good prisoner" is a most delusive criterion—and therefore the quality of the commodity exported can only be ascertained in the colony too late for rejection. However, it is perhaps as well to send out the worst prisoners; for the ordeal they would have to undergo on the passage out, all huddled together in a crowded transport, to the utter prevention of moral discipline, and the sure production of ineffable corruption, would be enough to

unreform and brutalize the best disposed convicts long before they reached the Antipodes.[1]

Their resolutions concerning transportation were quite the least important which the Commons' Committee passed. Their careful and most valuable report embodied all the most important principles for which Matthew Hill, Alexander Maconochie, and their allies, had long contended. They treated the panic about tickets-of-leave most cavalierly, and recommended a much more wholesale use of them for the future, as a regular part of the penal machinery. But they pressed most urgently for a rigorous enforcement of the conditions on which they were granted, and emphatically advised that, to make the enforcement certain and systematic, the police should be supplied with full information, and required to exercise strict surveillance over the liberates. To give the system a fair chance of proving efficacious, they suggested, that the period of fixed imprisonment—to allow the means of reformation full play, the remissible portion—to furnish a stronger stimulus to good conduct, and the after-time of probation under police supervision—for the better protection of the public, should all be lengthened. To carry out their plan, they proposed to make the sentences to penal servitude of the same length as the old sentences to transportation, and to take the shortened terms prescribed by the recent act as the fixed portions. There had always been a gap in the scale of punishments between the longest sentence to imprisonment, two years, (it was legal to inflict three, but it was rarely done—not a dozen times in a twelvemonth,) and the shortest for transportation, seven years. The punishment involved in a sentence to seven years' penal servitude, on the proposed plan, was far more severe than what formerly followed a sentence to seven years' transportation; and therefore the necessity for shorter terms was now rendered more urgent than ever. Accordingly, the committee recommended the introduction of shorter sentences of penal servitude—three years (including the remissible portion) to be the shortest.

Other resolutions of minor, but still of great, importance were

[1] If certain recent accounts be true, the state of convict transport-ships must be worse now than ten years ago.

passed by the committee, but the clauses epitomised in the preceding paragraph form the most valuable portion of their report. If the spirit of these clauses were vigorously acted on, the Criminal Question would at last be solved. In Ireland this has been done with notable energy and intelligence, and in consequence professional crime is there far on the wane. In England, on the contrary, the committee's report has been so imperfectly enforced that habitual criminals still ply their trade with hardly diminished impunity.

The session of 1856 was too far advanced when the report was presented, to allow of its transformation into an act that year. But when Parliament met again in February (1857), the requisite bill was the first ministerial measure introduced, and, in spite of the Chinese wrangle and the dissolution, it became law before the end of June. There is little fault to be found with the second Penal Servitude Act.[1] To lengthen the sentences according to the old scale, to make some portion remissible, to permit the issue of licences, was all required from the measure, and all this the measure accomplished. So far the ministry accepted the opinions of the committee; but Sir George Grey, on introducing the bill, betrayed that he was wholly at variance with them on more than one matter of great importance. Assuming that there was no possibility of testing whether a prisoner's reformation was genuine while under confinement—that the contrary had already been proved in Ireland was officially forgotten—he argued that it was necessary to restrict the issue of tickets-of-leave. A very curious method of restriction was consequently to be adopted. The prisoners were to be kept in confinement till by far the greater portions of their sentences were expired, and then, as a rule, to be set free unconditionally. In exceptional cases the pardons were to be qualified by licences—which Sir George Grey carefully warned the public not to accept as certificates of character—but the conditions endorsed upon them were, except perhaps in London, not to be enforced. Echoing the cry which the thieves themselves had set up about the impossibility of getting honest employment while they were

[1] 20 and 21 Vict. c. 3.

watched, he intimated that the police would receive no instructions to look after the ticket-of-leave men.

In the penal programme of the Home Office, which was issued in July, the remissible portions of the various sentences were fixed as follows:—one-sixth of three years, one-fifth of four or five, one-fourth of all sentences from six up to fifteen years, and one-third of all from fifteen upwards. The programme is far less liberal than the recommendations of the committee. For instance, in a seven years' sentence the committee would have given the convict the chance of redeeming three: Sir George Grey would not forego more than a year and nine months at the utmost. Of course even this was a vast improvement on the former plan of no remission at all; but still the offered inducement is not sufficient stimulus. The penal machinery is worked with too low a motive power. From this fundamental error most of the others which mar the system spring. The faultiness of discipline in the convict prisons of England will appear most strikingly when contrasted with the admirable management of those in Ireland. If Mr. Clay and Captain Maconochie had sat down together to amalgamate their opinions and combine their experience for the production of a complete scheme of convict discipline, they could hardly have produced anything more perfect in theory than the Irish convict system is in actual fact.

The convict prisons of Ireland, like those of England, are under the control of a board of three directors. Eight years ago the prisons were in a chaotic state—crowded, ill-officered, undisciplined, and unhealthy. But at the time the first Penal Servitude Act was passed, a prison-disciplinarian of Captain Maconochie's school, who was destined to improve, develop, and, in fact, almost perfect his master's theories, Captain Walter Crofton, was commissioned by Government to investigate their condition. In his report he sketched a new system of convict discipline, the two chief features of which were "individualization" and "intermediate prisons." His appointment to the chairmanship of the board was the practical answer which he received. His colleagues were Captain Knight[1] and Captain Whitty, both of whom, by their great experience in the organization and management

[1] Since succeeded by Mr. Lentaigne.

of English prisons, were qualified in the highest degree for the service; and most fortunately for the trio, scarcely was their work commenced when the Earl of Carlisle—probably of all living statesmen the most able to appreciate and the most eager to assist such labours as theirs—was nominated Lord Lieutenant of Ireland. The success of the undertaking has been fully commensurate with the happy auspices under which it was commenced. The directors' work, however, was one of great difficulty, and involved no little brain-grinding, tact, and perseverance. It was not till two years ago that they got their scheme into thorough working order. As it stands now, their convict system is, beyond question, the best and most complete in the world. It is not by any means faultless, but the worst flaws are beyond the reach of any remedy that Captain Crofton can apply.

As in England, isolation forms the first stage of discipline. It is undergone in two cellular prisons, at Mountjoy, in Dublin — the one for men, the other for women.[1]

The discipline in the women's prison, the inmates of which are commonly upwards of four hundred in number,[2] is somewhat complex, for more than one reason. There is no other convict prison for women in Ireland, and therefore every stage of strictly penal discipline is undergone there. A version of the mark system constitutes the moral machinery of the establishment. The convict rises through a scale of promotion by dint of her own industry and good conduct. The discipline begins in the cell, and ends in the "exemplary" class; and at each remove she

[1] There is also a department, not under the separate system, for boys. This part of the establishment, like everything under the control of Captain Crofton, is admirably managed; but the difficulties peculiar to a *prison* for boys have proved there, as elsewhere, insuperable. I believe, however, the juvenile department is regarded as merely provisional till the thorough establishment of Reformatories in Ireland; though, perhaps, after all, Mountjoy must always be for Ireland what Parkhurst is for England, the receptacle of young felons too bad for the schools. Fortunately there are three or four acres of land attached to the prison, which furnish the lads with wholesome garden work. The women's prison was built as a substitute for two old prisons, the one at Cork, the other at Grangegorman (in Dublin). The latter was finally disused about two years ago.

[2] There are always several children, for whom an infant school has been established in the prison. I may say, once for all, that as so full an account of the Irish prisons has appeared recently in the *Cornhill Magazine*, I have compressed the description of them in the text as much as possible.

obtains an increase of privileges. Alone, this reformatory classification would be a by no means simple affair; but when crossed, as it necessarily is, by a religious classification, it requires no little skill and judgment to keep the gear in order. There are three paid chaplains, and three distinct services, Church of England, Presbyterian, and Roman Catholic. And besides this, there are two sets of lady visitors, the members of a Protestant committee and of a Roman Catholic sisterhood. A small chaos might easily be the result of this conglomeration of heterogeneous elements: a firm hand and a clear head is manifestly wanted for the maintenance of harmony, and even these would be insufficient unless a spirit of genuine Christian devotion pervaded the whole medley of fellow-workers. Yet, from all accounts, it is beyond question that the entire machinery, moral and religious, works smoothly and powerfully without a jar or a clash anywhere.

In the Mountjoy prison the indolent convict, who does not choose to strive for the earlier recovery of her freedom by industry and obedience, must remain to the end of her sentence. The industrious and well-behaved, however, earn something better than a mere premature dismissal. To turn them loose on the world, with probably no prospect before them but vice and starvation, would be but an ill reward. Rather than gain so fatal a boon, they had better serve out their sentences to the last hour with the idle and fractious. The reward, therefore, offered to the convict for completing her tale of marks is, not absolute freedom, but admission under a ticket-of-leave into a "Refuge." To enter the Refuge is the condition of release, and the managers are armed with legal power for her detention. For this privilege all the women, except a few of the baser sort, will work eagerly; but the poor creatures are most of them so utterly lacking in self-control and perseverance, that not much more than half the number ever accomplish their purpose. There are two Refuges, both in Dublin: one in Heytesbury Street, under a salaried Protestant matron, and a committee of lady patronesses; the other under the nuns of the "Golden Bridge Convent." Here the "individualization," which in the routine of the prison could not be but imperfectly attempted, is

thoroughly accomplished; and the urgent need of it, moreover, constantly demonstrated. The eye-service that was sufficient in the prison now fails entirely; and if no real reformation has been effected, the hidden badness of the nature soon crops out. The Refuge, however, often succeeds when the prison has failed. The annals of the Golden Bridge Convent, where by far the greater number of convict penitents are received, and where the blessed power of a *sister*-hood is the influence brought to bear on the fallen women, are bright with histories of repentance and restoration. A home and employment is, if possible, found for every woman when the time comes for her full liberation.

The men's prison at Mountjoy is entirely on the separate system. The discipline, which is throughout a fac-simile of that at Preston—(the chapel was once boxed up menagerie-fashion, but the partitions were removed long ago)—is throughout admirably worked. It is a pity, however, that some better kind of work than oakum-picking cannot be found for the prisoners; it is hardly sufficient to counteract mental stagnation. (There is a better choice of employment at Pentonville.) But a worse error is that the period of detention, nine months, is the same for all alike. This is the regulation term prescribed by the Home Office, where the discovery has not yet been officially made, that men of different temperament will require different terms of cellular discipline. Something is done at Mountjoy to correct the mistake, by allowing the prisoner to escape from his cell a month earlier by good conduct and industry. If the object of the separate system is to give the man a religious, as distinct from an industrial, reformation, and to make him malleable and docile, the process should neither be stopped before, nor prolonged after, the full benefit is gained. The convict should derive some advantage from his right behaviour, but not the dubious boon of a premature removal from his cell. Of course, however, he is entitled to compensation in some shape if the solitary term be greatly lengthened.

On leaving Mountjoy the convict, if a labourer, is sent to the public works on Spike Island, near Queenstown, if a mechanic, to the government prison at Philipstown.[1] The system is alike

[1] This prison is also the chief dépot for invalid convicts.

at both these prisons, except that trades are carried on at the latter, and navvies' work at the former. A scale of classes, and a scheme of marks (which, though not by any means so perfect as might be devised, is sufficient for all practical purposes, when managed with the minute care and strict impartiality which all Captain Crofton's officers display), form the frame-work of the discipline. Marks are given on three grounds, for industry, progress in school, and general good conduct. The highest number that a prisoner can earn in a month is nine, three under each head. At the end of the month the reports of the various officers are sent in, and the marks to which the convicts are entitled are calculated. If any of them obtain less than they think their due, they are allowed to appeal to the governor, or even to a director; and they will not forego, it is found, a single mark without a vigorous wrangle. Each man then receives a badge, the colour of which indicates his class, and certain figures upon it the number of marks he has already earned in that class, and the number he has still to gain before his promotion. There are four classes—the "third," the "second," the "first," and the "advanced"—and a fixed number of marks has to be made up in each before admission into the intermediate prison. For instance, a convict with a sentence of seven years, who comes with an "exemplary" character from Mountjoy, has to earn eighteen marks in the "third" class; that is to say, he has to remain in it at least two months: failure in winning his full tale would involve a longer delay. In the "second" his minimum period is six months; in the "first," twelve; and in the "advanced," twenty.[1] Altogether then, counting his eight months at Mountjoy, he must pass at least four years in the ordinary, before he is admissible into the intermediate, prison. None but the most "unexceptionable" behaviour could procure his transference even then. Idleness or misconduct would inevitably protract his servitude, for not only might marks be withheld, but they might also be

[1] There is a class below the third, called the "probation" class, intended chiefly for prisoners unfit for separate confinement, who, therefore, have never been at Mountjoy. In this class they remain as long as they would have remained in the cell, and during the whole time strict non-intercourse is enforced. Prisoners received from Mountjoy with a bad character are also detained in the probation class for a time.

cancelled, and the convict thus degraded to a lower class than that to which he had climbed.[1] It is quite possible, therefore, for an ill-conditioned felon to be still in one of the lowest at the expiration of his full sentence. He thus would forfeit all remission. If Captain Maconochie's theory had been adopted in full (the power of remission was after all but a poor makeshift for it), such a fellow would probably have ended his days in a prison—unquestionably the best place for him. That they form the ladder by which to reach the intermediate prison, is what gives the classes their chief importance; but they have other attractions besides. Each remove brings some change of dress, till at last, in the advanced class, the prison suit is discarded entirely. In the third class, the convicts are allowed a penny a week out of their earnings, in the second twopence, in the first fourpence, in the advanced ninepence. These pence accumulate for them till their discharge. They are encouraged to keep accounts of their own, with which to check the prison-books; and commonly they do this with no little sharpness. But with regard to their moral training, the most important feature in the classes is the gradual relaxation of restraint. The convict's right to self-government is restored to him by degrees. When the prisoners on Spike Island reach the advanced class, they are transferred first to Fort Carlisle, and then to Fort Camden (two forts at the mouth of Cork Harbour), where, under very slack supervision, and surrounded by many of the temptations of ordinary life, they find themselves with hardly a vestige of the moral go-cart left to lean on. This ordeal is at once an almost sure test of their reformation, and an admirable means of perfecting their training.

The establishment at Fort Camden is, in fact, an intermediate prison; but it is to the prison-factory at Smithfield, in Dublin, and to the prison-farm on Lusk Common, fifteen miles from Dublin, that the name properly belongs. The mechanics are drafted into the one, the labourers into the other. At Lusk about forty convicts are employed in the cultivation of waste lands. They lodge in two iron huts, each of which has sleeping

[1] Most wisely it is provided that it should be much easier to *regain* the lost position, than to gain it in the first instance.

room for fifty men, only cost 330*l.*, and is easily removable in case it should be wanted elsewhere. There is nothing to mark the prison character in the aspect of the place; no walls, no sentry-boxes; the only key that locks them in is what M. Demetz would call *la clef des champs*. Their dress is that of ordinary labourers; the warders placed over them wear the same, and act, indeed, rather as their foremen than as their guards. At Smithfield, too, there is the same absence of all durance, all prison accessories, and all physical restraint. But the moral checks by which the convicts are held in are fully as effectual as bars and bolts. They have worked their way into the intermediate prison at the cost of great toil and perseverance, and by any breach of trust now, they would forfeit all the results of their labour. They know that if they were mad enough to abscond, the police, armed with information ample enough to ensure their immediate arrest, would be on their track at an hour's notice; and that before a week was out, they would find themselves lodged once more in the cells of Mountjoy, with the prospect of their whole purgatory to pass through again. Fear, however, is not with most of them the strongest motive for good conduct: the bond that binds them most surely to their duty is this—they have a character to lose. It is this that ties them to their probationary home. Otherwise, the attractions of that home are somewhat scanty. It is true, that all that was merely penal in their past discipline is now removed, and that in one important respect their present training is rendered pleasant and alluring. There is hardly any educational drudgery in the intermediate prison; the schoolroom is transformed into a lecture room, and the schoolmaster into a lecturer. It was a happy idea to make this change, and the choice of a man to effect it was happier still. Mr. Organ, the government lecturer at Smithfield and Lusk, must have been born expressly for the post which he fills. He is, in fact, the soul of both establishments. His lectures are a treat to the men; he has the knack of setting them to think, discuss, and study for themselves. The stupidest old felon wakes up under his stirring stimulating influence. The convicts thoroughly prize and appreciate their lectures and lecturer; but still this is the only attraction their state of

probation possesses. Their labour is hard, never less than nine or ten hours daily of delving or trade-work, besides their share of the menial duties of the prison; and their fare is hard, too—so frugal, indeed, that they sometimes buy bread for themselves. The routine of the prison is as regular as clockwork, and must often be irksome. The bulk of their earnings are devoted to pay the expenses of the establishment, of which they defray a very considerable portion; half-a-crown a week is the utmost the convict can receive for himself, and only sixpence of that for immediate pocket-money. Altogether, the life at Lusk or Smithfield is by no means what a quondam felon would adopt from choice. But he is tied to the spot by the fear of losing his character.

For a certain period, the convict must remain in the intermediate prison, the length of the period depending on the length of his original sentence. The shortest sentence of penal servitude, three years, would involve four months; the longest, fifteen, two years. But the convict is not necessarily set free when the minimum period is expired: he cannot leave till he has found an employer, and he cannot find an employer till he has earned a character, and to earn that is the object of his residence at Smithfield. Captain Crofton knew well that a "good prison character" was not worth much as a test of genuine reformation, and therefore he devised the intermediate prison to serve as a moral sieve which would catch the bad in its meshes, but let the good pass through. The probationer is exposed to the temptations of ordinary life; he is sent, for instance, into the streets with money in his hand to make purchases. (The convicts are allowed to send one of their number from time to time on their own errands—a sure way of discovering whom they think trustworthy.) He is not watched; if it is found that he needs watching, he is remanded back to the ordinary prison. In fine, save that he must live and work at Smithfield, or Lusk, and that he has divers penalties hanging over his head, he is free. And this quasi-freedom is given that he may earn something better than a "good prison character." His fate is in his own hands; within certain limits he may do as he likes—only in the prison books there is an inexorable record of his daily behaviour

kept against him. That record is at once his hope for the future, and his check for the present. When he has found a master willing to employ him, the governor of the prison is his "reference;" and when the governor is appealed to, instead of some vague good-natured recommendation, he opens his "character-book," and leaves the applicant to judge for himself.

But when the convict at last leaves the intermediate prison, Captain Crofton still keeps his hold upon him. The notion that prevails in the English Home Office is, that a discharged convict's best chance is to obtain a situation under false pretences. That he could never procure employment if his felonious "antecedents" were known, and that his dismissal from any place he had procured under a false character would be the immediate result of their discovery, is taken for granted. And, perhaps, while the English convict prisons remain what they are, and the public distrust of their reformatory power continues in consequence unabated, this belief is well grounded. It is probably true, therefore, that the acknowledged ticket-of-leave, and the avowed police surveillance, might possibly impede a man's return to honesty. But Captain Crofton saw, that if the prison process could be made reformatory, that if the convict could be discharged "with a character from his last place, though that place was a prison," the licence and the policeman would positively help him to employment. They would, in fact, form a guarantee for his good behaviour. The employer would run but little risk in engaging a workman whose slightest offence would involve a recommittal to prison, and who was watched on all sides by eyes quick to detect the first symptom of relapse. To complete his system, therefore, Captain Crofton does not hesitate to enforce the conditions of the licences to the utmost. He even goes farther, and instead of merely supplying the police with the requisite information, he requires the ticket-holder to report himself once a month at the police-office of his district, and not to shift his quarters without distinct permission: an infringement of either rule entails the forfeiture of the licence.[1]

And what are the results of the system? Captain Crofton

[1] Both these rules were in force in New South Wales twenty-five years ago.

found the government prisons crowded: they are now half-empty. On January 1st, 1854, there were 3,933 in custody, but year by year the number has steadily decreased, till on January 1st, 1861, there were only 1,492 upon hand;—a morsel of statistics to be digested with the more satisfaction, firstly, because not a transport has been sent to Australia since 1854, though formerly they were shipped off at the rate of 1,000 a year; and secondly, because hundreds of convicts are now sent to government prisons on short sentences of penal servitude, who, previous to the act of 1857, would have been kept in the common Gaols.[1] In 1854, the number adjudged to penal servitude was 710; last year it was only 331: these figures, too, have a significance beyond what appears at first sight; for a third, if not a half, of the men sentenced in the good old times, were scoundrels who had passed through the convict prisons before, and left them not one whit bettered, but most probably much worsened by their confinement. Stringently as the conditions of the licences are enforced, not much more than seven in a hundred have been revoked (in fact, 89 out of 1,462), and in many cases where revocation has been inflicted, it was for irregularities so slight, that they were afterwards regranted. And yet Captain Crofton can say, "It cannot be proved that any convict liberated on licence is pursuing a course of crime in Ireland, and remaining at large."[2] The small number of the revocations is alone sufficient to prove the fatuity of the cry, that the police are not to be trusted with the supervision of discharged convicts; that they would be tyrannical, meddlesome, &c. &c. Of course, as long as they fancied it was their duty to scent out every latent ticket-holder, and raise a hue and cry after him to gratify the selfish fears of old women of both sexes, they were not to be trusted. But when once they are made to understand that their main duty is to help the ex-felon on his way back to honesty, they will show that they are to be relied on to the full. The great judgment

[1] A proportionate diminution cannot be expected for the future: Captain Crofton has now filtered off a considerable portion of the corrigible criminals, and henceforth the incurable dregs will form a larger proportion of his charge.

[2] I quote from Captain Crofton's recent valuable pamphlet "On the Immunity of Habitual Criminals." To this and his other pamphlets, and to the annual reports on the Irish convict prisons, I must acknowledge my obligations.

and kindness with which they exercise their office in Ireland is proved by the fact, that many of the ticket-holders actually court their supervision, and continue to report themselves long after their licences are expired.

The statistical facts that Captain Crofton can adduce concerning his liberates are alone sufficient to prove the soundness of his system. But the reports which he can give concerning their conduct under confinement are almost as conclusive. Nearly eight-ninths of the convicts work their way into the intermediate prisons, and, once there, few fail to earn their tickets. It is the other ninth, the dregs left behind, who stay in the ordinary prisons till the expiration of their sentences sets them free, that furnishes most of the relapses. A system which can inspire eight-ninths of a promiscuous assemblage of convicts with steady determination and perseverance, often for years together, is not likely to need any panegyric but the record of its results. Acts of violence, and even combined outrages happen sometimes both at Spike Island and Philipstown—it would be strange indeed if they did not—but these are nothing compared with the chronic insubordination of the English prisons. A still better test of the discipline is the amount of work performed. In England the convict's labour is *forced*, and probably, if set down at one-third of what free workmen would accomplish, is hardly underrated. In Ireland the prisoners, especially in the intermediate prisons, toil with a will, and their work is hardly less valuable than that of the most unfelonious labourers.

And the system has at length won the full confidence of the public. In Ireland there are no *sociétés de patronage*, and at first the indefatigable Mr. Organ, in addition to his other duties —besides being lecturer at the intermediate prisons, he has to exercise a semi-official, semi-paternal supervision over all the discharged convicts in Dublin—had single-handed to supply their place. It was weary work at first, but it became easy by degrees. It is now no uncommon thing for masters to apply at Smithfield for the workmen they want. Some years must probably elapse before London employers make a practice of hiring labourers at the Chatham prison.

And now to contrast the English convict system with the

Irish. It will be recollected that in the regulations issued by the Home Office for the execution of the second Penal Servitude Act, the great mistake was committed of making the remissible portion too short to give the necessary stimulus to the convicts. In Ireland we have seen that this error is in a great measure corrected by the intermediate prisons: the prospect of reaching their comparative freedom is sufficient to incite the prisoner to steady exertion. In the English prisons, where no premium of the kind is offered, the discipline has to be worked with a far weaker motive power. To increase the power, a modification of the notable scheme, originally devised to keep the first set of penal servitude men quiet, is still retained: that is, in plain language, the discipline, for want of a more wholesome influence, is maintained by money bribes and belly bribes.

The course of discipline is as follows:—The convict brings with him to the public works the character that he earned at Pentonville or Milbank, and, according to this character, is placed either in the first, second, or third class, receiving a stripe or two on his sleeve to mark his class. Higher gratuities are the chief advantages which the upper classes confer, the first sixpence, the second fourpence a week. These classes have a meaning quite different from those in the Irish system; but what Captain Crofton calls "classes," Colonel Jebb calls "stages." Instead of four stages, as under the first Penal Servitude Act, there are now only three; the gratuities are also cut down, smaller bribes being now deemed sufficient, as portions of the sentences are remissible. To begin with, there is no extra gratuity, but in the second stage the convict is entitled to fourpence, and in the third to eightpence, a week, as well as to various creature comforts, and to a fuller allowance of letters and visits from his friends. But besides being paid for the length of his service in the prison, and for belonging to one of the upper classes, he receives a third set of gratuities for his labour. According as he is reported as V. G. (very good), or merely G. (good), he gets either ninepence, or sixpence a week. At the end of every month the reports (of good conduct as well as of industry) are made up, and a new set of badges issued. Each is marked with a V. G. or a G., and a number which signifies how many similar

badges the wearer has obtained. As long as the convict's series of V. G.s is unbroken, he gets the full allowance of gratuities, victuals, &c., and progresses smoothly from stage to stage towards release at the earliest period. But if reported for idleness or misconduct, he must wear a G., and at least lose part of his gratuities for a month; probably, he also incurs a heavier penalty—degradation from his class, may be, or solitary confinement; possibly, he may even forfeit some days of his remission. The forfeiture, however, does not depend on immutable rules, as in Ireland, but on the discretion of the "Visiting Director," with whom it rests both to prescribe this punishment, and fix the amount. Nor is the forfeiture irrevocable: the director, for subsequent good conduct, may restore a certain number of the lost days.

On carefully studying all this, it is impossible not to arrive at the conviction that the English convicts are well paid and well fed to keep them in order. The convicts themselves know that it is so, and do not hesitate to grumble and to be insolent, if not insubordinate, about their "rights." "If men are to work well," says Colonel Jebb, "they must be fed well." But they may be pampered to the full without rousing the *will* to work. The Irish convicts, on a much harder fare, labour far more vigorously. It would seem as if an appeal to the belly and the pocket were the only moral, or immoral, means known in England for getting work and good conduct from felons. It is instructive to contrast the English and the Irish scale of gratuities. One of Sir Joshua Jebb's V. G.s (and nine out of ten are V.G.s), as he passes through the three stages, can earn in each, respectively, 1*s.* 3*d.*, 1*s.* 7*d.*, and 1*s.* 11*d.* a week: while Captain Crofton's "exemplary," in passing through the four classes of the Irish system, can only get successively 1*d.*, 2*d.*, 4*d.*, and 9*d.* a week. It is true that for a few months in the intermediate prison he may possibly get as much as half-a-crown a week; but even then on his discharge he will receive barely half what the English V.G. is entitled to, who may easily make sure of 15*l.* or 20*l.*

It is usual to confess in "official circles," that "the convict system of England is far from perfect; but that it is easier to

point out defects than to suggest remedies." The remedies have been suggested and their soundness proved. But they are of a kind not quite palatable in "official circles," being nothing less than a thorough revision of the system and reform of the administration.

The best and most radical revision would be to introduce in full the mark system in all the Public Works prisons. But as that is not at present to be expected, the next best plan would be to adopt the Irish system just as it stands; above all, the intermediate prisons (which, by the way, would be included in the mark system, forming there the last stage). But if this is too radical a change, then to fall back on the recommendations of the Commons' committee, and double the present remissible portions, would be a vast improvement;[1] for this would be at once to double the power by which the convict system is worked.[2] There would be no necessity then to feed and bribe the felons into sulky contentment. The classes and the stages —the entanglement of three classes and three stages is superfluous under any circumstances—might be swept away, and the Irish scale adopted. To put a man in the first class on his arrival at the public works, as a premium for his good conduct in the cellular prison, is a strange blunder. At Mountjoy he is rewarded with a month's earlier release from the cell. A better recompense than this might be devised, but even this is far preferable to the unaccountable error in question. The object of the progressive classes is to give the convict a constant stimulus; to this end his condition in the lowest grade should be as hard and as penal as possible. To squander gratuitously at the outset a large portion of the moral fund which

[1] It must be remembered that Colonel Jebb is not responsible for the fundamental error of stinting the offer of liberty to so small an amount. He has had to make the best of a system, the main principle of which is radically defective. If he had his own way, he would probably soon recast the discipline of the convict prisons.

[2] The time during which the convicts are detained would probably not be shortened in the end. Since the act of 1857, the short terms of penal servitude (three and four years) have come into fashion among judges. Captain Crofton thinks that this tendency to short sentences arises from the judges taking into consideration the fact, that so short a portion of the sentences they pronounce can be remitted. If this be so, to lengthen the original sentences would be one result, and a most desirable result, of lengthening the remissible portions.

we have to expend for his benefit, is almost to stultify the whole scheme. If the felon is well fed and well paid in the first stage, what must he be in the last? But there is yet another mistake committed in the English prisons, which seems to betray that one of the main purposes for which the progressive stages are established is utterly forgotten. It was the chief object of Captain Maconochie and Captain Crofton gradually to pull to pieces the convict's moral go-cart, to relax restraints, to restore his right of self-government, and so to prepare him for a return to ordinary life. Something of the kind is done in English prisons; men that show they can be trusted are sometimes trusted: it is of course convenient to do so. "Special service classes," for instance, are formed at Portsmouth and Dartmoor, the members of which at their work are almost free from supervision. A most happy device beyond question, but unfortunately an exceptional variation on, not an integral part of, the system. As a general rule the convict, as he rises from stage to stage, may have more letters and visits from his friends, more sixpences, more beef, and more beer, but not the one thing most needful at once to promote and to test his reformation—more liberty.[1]

When the English system is revised—and revised it must be—it may be made more perfect even than that of Ireland, by retaining two features in Captain Maconochie's scheme which have disappeared from Captain Crofton's. The lesson of self-denial is one which the regular criminal requires even more than that of industry. This cannot be taught by compulsory hard fare, but it may be imparted by training the felon, of his own choice, to stint his appetites. It was a happy idea to give him the option of a coarser, or a daintier diet, only making so many hours', or days', longer imprisonment the price of self-

[1] The first English steamer which ascended a Chinese river, while it astonished the natives, also excited their emulation. They made therefore what to all outward appearance, while it remained stationary, was a complete facsimile. But they got the form alone without the power. A little rice straw was kept burning at the bottom of the funnel; but though there was smoke, there were no engines. Coolies hidden in the paddle-boxes worked the wheels, and the sham steamer made fifteen yards instead of fifteen knots an hour. The parable is instructive. As the English steamer to the Chinese imitation, so is the real mark system to the official copy.

indulgence.[1] It would be the easiest thing possible to graft this device on the existing systems. As a rule, it is a most difficult business to assign to industry[2] and good conduct their due tale of marks, for the virtues to be rewarded almost baffle precise measurement. But to fine self-indulgence on the proposed plan would be the simplest process. The other improvement would be far more difficult to effect. Captain Maconochie attempted to give the men an interest in, and to secure their cooperation for, the preservation of discipline, by associating them together in companies, the members of which were mutually responsible for each other's good conduct. Undoubtedly, the adoption of this idea would considerably complicate the discipline: nevertheless, the gain would be great. Such a check on disorder would be most needed in the lower classes; in the higher (where it would, besides, somewhat interfere with individualization) it might be dispensed with. Perhaps, where there was a healthy tone among the convicts, it would scarcely be needed at all. It is a pity, however, that when the end might be secured almost infallibly by the system, it should be left to the chance of the existence of a good spirit in the prison. The want of some means for securing to the officers the good will of the convicts was notably demonstrated, it would seem, in the recent outbreaks at Chatham. It is said, that there the ringleaders of the riots evidently possessed the sympathy of their comrades. They would not have been quite so popular, on the contrary, the convicts themselves would have put a speedy end to their pranks, if their misdeeds had lengthened by so many days or weeks (according to relentless rules already in force) the servitude of a large portion of their fellow prisoners.[3]

But if all accounts are true, a reform in administration is far more urgently needed than even a revision of system.

[1] It might be well, also, to give him the chance of accepting the money-value of the food he foregoes, to send it to his —perhaps starving—wife and children.

[2] Unless there are facilities for employing piece-work, as at Portland. Perhaps it is the advantage of being able to ascertain what work the convicts really do in the quarries there, which makes Portland the best of the Convict-Prisons.

[3] If possible, not only should the members in the company be made to suffer by the misconduct of one, but the whole class should be mulcted for the delinquencies of one company. For instance, suppose 10 marks were the price of a day, that one company incurred a fine of 100, and that there were 10 companies in the

Sir Joshua Jebb has laid down the dogma that convicts must "be treated in masses rather than in accordance with their individual characters." "Due observance of routine duties," he says, "will commonly effect all that can be done for them."[1] The organization of the convict prisons is in complete accordance with this theory. The "individualization," the effort to study the peculiar character of each convict, and to treat him accordingly, so admirably accomplished in the intermediate prisons of Ireland, is deliberately *not* attempted. The men are congregated in such "masses," that "a due observance of routine duties" is most certainly all that can be exacted from them. A thousand is the average population of the smaller, fifteen hundred of the larger convict prisons. Gathered in such numbers, the men feel their strength; the idea of successful revolt is constantly before the minds of the most reckless: the annals of all the prisons —not of that at Chatham alone, prove that the idea never remains latent very long together. Serious as is this evil, it is not the worst. In the Irish prisons, where the Governor has only a few men to deal with, he knows them all.[2] He has the entire establishment well in hand; he can maintain over the officers a discipline as strict as over the convicts, and thus repress all laxity and partiality; and consequently, he can thoroughly maintain the principle on which the whole discipline rests—that not a convict should ever earn a single penny, or abbreviate his confinement one single day, unless by real exertion, and by positive merit. But all this is different in England. Here the Governor has to trust almost entirely to the warders: with many of the prisoners he never speaks from the time they enter to the time they leave the prison. In fact, the "great object of reclaiming the criminal," concerning which the regulations of the Home Office so solemnly warn all prison officers, is left almost entirely for the warders to accomplish. The importance of their office is therefore very great; they should be men endowed with divers notable qualities. The right kind of men could be obtained, however, for the Home

class: each of the innocent nine might be fined 4 marks, and the offending company the residue of 64.

[1] He allows that "individuality must be more regarded with female convicts."

[2] Fifty or sixty in the intermediate prisons, and rarely more than three hundred even at Spike Island.

Office offers—what many a young parson would be thankful for at his first curacy—a salary of 70*l.* But Sir J. Jebb has his own crotchet on this matter, and thinks that soldiers—old pensioners, smart fellows, may be, but generally ill-educated, wholly addicted to military, and incompetent to maintain moral, discipline—are the sort of men most likely to redeem felons from the errors of their ways. The convict's advance depends almost solely on the warders' reports of his conduct and industry. If misconduct is not distinctly reported, good conduct is taken for granted; that is, if the convict refrain from knocking down the warders, swearing at the chaplains, or any very overt act of insubordination, no black marks appear against him in the prison register, and he is rewarded for his "good conduct" by sixpences and otherwise. Nor is there the least necessity for his industry being of better quality than his goodness. If he gets his V. G. from the officer in charge of his working party, it is sufficient. The difficulty of finding piece-work for the men, generally renders exact measurement of their labour impossible; the warder must rely on his judgment. But he has good reasons for making the best of his felons: his own gratuities partly depend on their conduct; any display of over zeal would not promote his popularity among his fellow officers, and the convicts have been known to make an example of an obnoxious superintendent. So his best plan is obviously to dispense V. G.s with a liberal hand, and keep everybody in good humour.

The results of all this are—to outward seeming and upon paper—most pleasant. Sardonic, indeed, must be the man who can visit the convict prisons, or read the official reports of the directors, without feeling his heart swell with pride, even for the felony of his native land. Dry as he might find other portions of those reports, his eye would brighten when it lighted on the "Classification Tables," which tell him, that the prisoners of England behave so meekly under their penitential discipline, as to win from sympathetic warders the highest favour they can bestow, elevation into the first class.[1] Or again, as he stands in the courts of the vast penitentiary, and sees all the repentant

[1] I take an entry from a classification table at random:—"Portland Prison, March, 1855. 1st Class, 1,360; 2d, 74; 3d, 57."

criminals, save an obdurate few, marked—not with "the mark of the beast,"—but with the badge of honour; as his eye, turn which way he will, ever lights on the two letters, V. G., symbolic of the pervading spirit of the place—not "good" merely, but "very good,"—his whole soul glows with admiration and love for the beneficent officials who, out of the refuse of humanity, have created so beautiful a Paradise. Alas! that to this editor should have fallen the thankless task of helping to dispel so roseate a belief! Official optimists may, if they please, continue to put firm faith in the fictions they have created; but it is high time for the British public to begin to ask, with some degree of sternness, what are the actual facts.

However, this editor is not sorry that his task of fault-finding is almost at an end. Of the faults inherent in the system, it was his business to write; on others accidental to it he is less careful to dwell. Nevertheless, if all accounts be true, some of those faults are serious indeed. It is said, that the prisoners are herded together with hardly any attempt at moral classification; that the hardened and desperate ruffians, who have "served their time" again and again, are able to bully and overawe their better disposed comrades, and even intimidate the inferior officers. It is said that the teaching in the schools is so inefficient, that men sometimes leave the prison unable even to read. It is said that the chaplains so mismanage their ministrations, that they promote hypocrisy; but it is so much the fashion to sneer at prison chaplains, that this, probably, is false. It is said that the discipline cannot be maintained without a too frequent use of the lash. It is said, that the handsome, costly prisons, with all their pleasing appearance of perfect order and regular discipline, are "pipe-clayed sepulchres."[1] Into all these allegations searching inquiries will probably be made before long, but for the present this editor has neither the power nor the will to criticise further.

But after all, it must still be fully confessed, that the convict prisons are a vast improvement on transportation and the hulks.

[1] The phrase belongs to Mr. Measor, late Deputy-Governor of Chatham, whose recent pamphlet, "The Convict Service," is the smartest attack on the Directors that has yet appeared. I have made some use of it in the latter part of this chapter.

A man really anxious for self-restoration may pass through Portland or Dartmoor uncontaminated, and even derive some benefit from the discipline, defective as it is. Mr. Clay, who had been accustomed to see men come home from the hulks with a thoroughly hang-dog felonious look upon their faces, awfully suggestive of the degradation which they had undergone, formed the most favourable opinion of discipline on the Public Works from the "manly, creditable air" of the liberates with whom he came in contact. And in all justice it must be confessed, that the English convict system solves the problem which at one time he had regarded as almost beyond solution; it brings men together in "their character of prisoners," without rendering mutual corruption inevitable. In fairness this merit must be weighed against the grievous faults of the system. It is almost powerless for good, but it is in a high degree preventive of evil. When Colonel Jebb first began to construct the convict prisons, it would have been held a great achievement to devise some plan of association which would not certainly undo the good effected under the separate system. If that was the problem, he has solved it fairly.

But the nation will not now rest content with negative results. The convict prisons cost an enormous sum—more than 250,000*l.* a year—and the public has a right to expect that some positive benefit shall arise from such an expenditure, and that the actuality of that benefit shall be proved by "hard naked statistics." After diligent search, this editor has found no better statistics than these. Between 1854—the year when crime seemed to reach its climax—and 1859, offences punishable in convict prisons fell from 2,467 to 2,222. A decrease certainly; but our gratitude for it subsides when we find that, between the same years, offences punishable in Irish convict prisons sank from 710 to 331, while those dealt with in English common Gaols dwindled from 20,580 to 10,248.[1] Other and more pleasing

[1] 200 or 300 are shipped off every year from the English Public Works to Western Australia. I believe that this is the true reason of the decrease. None are transported from Ireland. The decrease in the common Gaol offenders is owing partly to the Criminal Justice Act (1855), which by largely extending summary jurisdiction diminished the number tried at Assizes and Sessions. It is only these latter who are referred to in the text.

statistics there are, it is true, only they are worth very little. Under Captain Crofton's administration, the subsequent career of every liberate who remains in Ireland—(many with the help of their prison savings emigrate)—can be ascertained till the expiry of his licence almost to a certainty, and with scarcely less certainty afterwards. His published percentage of relapses represent what are, as far as possible, *known* facts, ascertained from sufficient data; Sir J. Jebb's are merely vague inferences from data lamentably insufficient. No systematic attempt is made in England to ascertain what becomes of discharged convicts. It is true that now they are liberated, not unconditionally, but with tickets of leave. (The anomaly of setting a criminal free before the end of his sentence without *any* check on his felonious propensities, though not perceived at the Home Office in 1857, was discovered shortly afterwards.) But the tickets are little better than waste paper: the terms on which they are granted are scarcely ever enforced; the holder is not put under police surveillance; from the prison-door he may at once proceed to some felon's *sanctum*—the nation will pay his fare if he goes by rail—where the "peeler" never enters, never keen detectives come, dwells the thief in peaceful safety, and the burglar is "at home." By dint of laborious correspondence, the Chaplains obtain some information—not very trustworthy, perhaps—concerning a few hundreds out of as many thousand liberates.[1] The governors of common Gaols and police superintendents are required to report all cases they discover of government convicts recommitted to prison; their reports, however, can only show a portion of the relapses, for a clever felon may ply his trade for years, and yet avoid reconviction; and even when caught at last, the chances of escaping identification are much in his favour.

[1] A good use is made of the gratuities to ascertain the subsequent career of liberates. The amount is paid by instalments; the first on discharge, a second in a month or two, and perhaps a third after a similar interval. To obtain the later instalments, the liberate must bring a certificate of good conduct from a magistrate, a clergyman, or an employer. A large majority do thus apply for the balance of their gratuities, and their doing so is reckoned a very favourable symptom. Yet it is not worth much. The certificates are easily procured, and after all the men are lost sight of at the end of three or four months. Those, however, for whom "The Discharged Prisoners, Aid Society" obtains employment are sometimes heard of for years.

However, it is on such data as these that the official calculations of the "probably reformed" are made. Captain Crofton can assert, "so many have relapsed, and we know, almost to a certainty, that the rest have not;" but Colonel Jebb can only say, "we are informed that so many have been reconvicted, but we will charitably hope that the rest are living honestly, as we have received no evidence to the contrary." We would willingly share in the charitable hope, only Sir J. Jebb and his superiors have precisely the same means for obtaining evidence as Captain Crofton has, if only they chose to use them. True, a more rigorous investigation would probably quite spoil the "satisfactory returns" which we now obtain from the charitable judgment of the Home Office. Still it is rather hard to believe that every felon is a convert, till quite by chance we learn the contrary. It was a bright idea to base statistical returns on the old law adage, *De non existentibus et de non apparentibus eadem est ratio.* At the battle of Copenhagen, when poor Sir Hyde Parker was piteously signalling orders for the return of the adventurous squadron, Nelson put his telescope to his blind eye, and was quite unable to see the signals. It was an effectual though clumsy device. But in our convict service the science of not seeing what you pretend to see, has since been carried to a degree of perfection which the obstinate admiral never dreamed of.

Until the convict prisons are made Reformatories in the full sense of the word, no hope can be entertained of thoroughly repressing crime. This, however, is not the only thing required for such a consummation.

To make a clear distinction between incidental and habitual offences is the first thing needful in a vigorous administration of the criminal law.

The cellular prison and the Patronage Society will suffice for the great majority of the former. The minority, with whom they cannot deal, are those sentenced, for heinous crimes, to terms so long, that to retain them to the end under the separate system would engender disease or insanity. For such as these one of the convict prisons should be set apart. It is of paramount importance to keep them separate from professional criminals;

they require, moreover, a very different kind of discipline—rather penitential than reformatory.

Till the year 1857, the judicial statistics of England were very meagre, and far from trustworthy. They were compiled from returns made from the law-courts and the prisons. Now (thanks chiefly to Lord Brougham) they are almost as full and as perfect as can be wished. They have poured a flood of light on the Criminal Question, which ought, before long, to awaken the nation to some vigorous action for the repression of crime. They have proved that there exists an enormous class of professional criminals—a class to be numbered by tens of thousands; that their trade is most lucrative, and that they ply it with comparative impunity. One fact may be cited to prove this last assertion. About 80,000 persons, known or suspected to be criminals by profession, yearly pass through the hands of the police: little more than 2,000 of these receive the punishment their *characters* deserve—penal servitude.

The machinery to keep this huge body of criminals in check is in actual existence. As the police acts of the late Sir Robert Peel were only permissive, not compulsory, one half the towns and counties refused, or neglected, to put them in force; and remained till within the last seven years without a constabulary. Now a complete police system spreads over the whole country: it is already most efficient—as it ought to be, for it costs annually nearly a million and a half. Properly applied, the police are now strong enough to repress, perhaps almost to annihilate, the criminal class. What they have done in Ireland shows what they might do in England; but as yet no adequate attempt has been made fairly to pit the one against the other.

To accomplish the subjugation of the criminal species, two administrative reforms are needed.

In the first place, an "habitual offender"—(for whom a legal definition is wanted, and probably that proposed by Captain Crofton, "one who has served his time in a convict prison," will suffice)—should on every conviction receive the utmost penalty the law can inflict. This should be an established principle at any rate; but there can be little doubt that it would be both wise and just, so far to revise the law, as in all cases to permit

the magistrate or judge to mete out punishment to the trained thief in accordance with his known character, not with the particular delinquency—perhaps a very slight offence—with which he may be at the moment charged. This, in fact, would be merely an extension of the ticket-of-leave system. According to that system, an offender forfeits his rights as a citizen till the expiration of his sentence; according to the proposed extension, he would forfeit his rights, to nearly the same degree, to the end of his life. In the one case, he can be recommitted to prison on suspicion, unless he can demonstrate that his way of life is honest; in the other, for the slightest delinquency, if the police can prove, and he cannot disprove, that crime is still his trade, he would be treated as a convicted felon. This principle is already in partial operation: for the most trifling larceny, after a previous felony, the offender incurs a felon's penalty.

There are at present, besides the legal impediment, two obstacles to the carrying out of this principle. The first is the abuse of summary jurisdiction, and the propensity of judges to pass short sentences of penal servitude. About nine-tenths of arrested delinquents are now dealt with summarily, under the Criminal Justice Act.[1] By this act a couple of justices, or a single police magistrate, may in all cases of petty larceny, if the accused person chooses to submit to their jurisdiction, try and condemn off-hand. It would be almost impossible to over-estimate the value of this act, but still it has opened a door to one great evil. Thousands of "habitual offenders" are dealt with under its powers, and so escape with a few weeks' imprisonment; whereas, if remanded to the sessions or assizes, they would incur as many years of penal servitude. It is high time to obviate this evil; and high time, too, for the judges to adopt the practice of never sentencing professional rogues to less than seven years. Not more than four of them need necessarily be passed in confinement, but for seven years, in or out of prison, the police should have a hold on the rogue if his reclamation is to be insured with any degree of certainty. Unfortunately, at present, two-thirds

[1] 18 and 19 Vict. c. 126.

of the sentences to penal servitude are only for the short terms of three and four years.[1]

But supposing the judicial officers armed with the power, and inspired with the will, to deal with the criminal class on right principles, the difficulty still remains how to identify the habitual offender when he appears in the dock. The simplest plan would be to brand every convict who leaves a government prison, not necessarily on the face or hand, but on the arm or back, or some place where the mark would not catch the eye.[2] But this would be objectionable: the device smacks of barbarism; it would have a degrading effect on the criminal; he would probably contrive, somehow, to efface the stigma, and it would be impossible to tattoo on his hide all the statistical information that would be wanted. There is no necessity for recourse to so outlandish an expedient. As long as the liberate's licence is unexpired, the police should be able to lay their hands on him at any time; and after it expires, his identification could always be secured by "registration" and photography. When the "habitual offender" left the convict-prison—it will be remembered that by his residence there he is to acquire a legal right to that title—a minute description of his person, and a concise history of his birth, parentage, and previous life, should be entered in a register kept for the purpose; and he should sit for his portrait to the government photographer. (It would be well if he sat twice, on entering as well as on leaving the prison.) A copy of his biography, and a dozen of his portraits, should then be sent to a Central Criminal Register Office. To this office every gaoler or police officer, into whose hands a "suspicious character" fell, would at once apply. In nine cases out of ten, perhaps in ninety-nine out of a hundred, the true character of every "habitual offender" might be thus at once detected.

A system of this kind has been advocated for years by the Recorder of Birmingham and others. A system of this kind is in actual operation in Ireland; under the auspices of Captain

[1] A sentence of three years' penal servitude, though considered a heavier, is really a lighter punishment than two years' imprisonment: at least, the better fare, the comparative liberty, and the chance of a remission of six months, render it preferable in the eyes of habitual offenders.

[2] One philanthropist suggests, between the great toe and its neighbour.

Crofton, and in conjunction with his convict system, it is rendering regular crime too dangerous and precarious a profession to be often followed from choice. In England, however, felony is still so lucrative, and so far from hazardous, that it thrives and will thrive. It appears from the judicial statistics, that while incidental crime is decreasing, habitual crime is growing. Transportation no longer carries off our thieves, who are discharged at the rate of about 2,000 a-year into the general population. It is more than probable that a great proportion of the liberates *immediately* re-enter the ranks of the criminal class. The money spent on the repression of crime—ten millions a-year—is amply sufficient to effect the purpose. But as yet it is almost spent in vain. If things continue in their present course, we may look for another panic ere long. The subsidence of that in 1856 was as irrational as its rise. In deference to the popular outcry, a show was made for a time of restricting the issue of licences, and the country was appeased. But the real evil, the discharge of criminals unreformed by their past treatment, and without a check on their future conduct, continues unabated. It is to be hoped, that when the indignant terror of the public is once more aroused, it will not again be squandered on the wrong object—the unlucky ticket-of-leave. But we must not be too sanguine. It is the nature of the *bull* to vent his fury on the red rag instead of on the matador.

[NOTE.—While the above was in the hands of the printer, an article on "The English Convict System" appeared in the *Cornhill Magazine*. There are some errors in the article, but I am glad to refer to it, partly for the details which it contains concerning the convict prisons (and which it was quite beside my purpose to introduce), and partly because the writer confirms, in a great measure, the objections which I have brought against the system.]

From Report for 1844.

" . . . . I need scarcely again repeat observations which I have too often had occasion to make in former reports, as to the difficulty of reforming a child who has been born and reared amidst poverty, neglect, and ill example. The evil which has grown with his growth and strengthened with his strength cannot be remedied by the discipline proper to a Gaol; nor within the term of imprisonment usually assigned to the (perhaps trifling) crime in which he has been detected. The first offence of a young criminal is generally followed by a sentence intended to check and to warn. The check is provided by a month's seclusion, and by a corporal chastisement suited to the age of the child; the warning is given from the bench, and afterwards reiterated, almost daily, to the offender in his cell, that the commission of a second crime will be certainly followed by a sentence of transportation. This check and warning, where there has been some previous religious training, and where parents have been willing to assist in the reformation of their child, are found effectual—at least in preventing a relapse into crime: but they are otherwise when these conditions are wanting; and in such cases nothing can cure the deep-seated demoralization but a long course of mental and religious education. In such cases the child should be separated from bad companions until they are entirely forgotten, or remembered only with disgust; any injurious influence should be kept away from him; the powers of his mind should be roused; his affections should be cultivated; religious knowledge and religious principle should be engrafted, not merely as something to be occasionally referred to, but as the ever present guide through every hour of his life. All this, it is manifest, cannot be accomplished in a *prison*. The utmost that can be done *there*, during the short sentence to which the young culprit is subjected, is the impressing him with a dread of the penal consequences of crime. It may be said that an education is here contemplated for the little outcast felon, attainable, at present, by few children belonging to a less degraded class. I can only reply that such an education *ought* to be given, and when the country has a clearer perception of its duty and its interest, *will* be given to all children; and especially to

those who, without it, are sure to grow up in brutality, miserable and degraded in themselves, a disgrace and a peril to the community.

Of the nine boys shown by the return to have relapsed into crime within the year, six scarcely possessed a feeling or an idea which could be made available for good. They were ignorant of the alphabet, incapable of uttering a prayer, and unacquainted with even the *name* of the Saviour. Two of these six were orphans; a third had lost one parent by death and the other by desertion; the fourth was altogether neglected both by his father and mother; the fifth and sixth had parents who encouraged them in crime. One of these last named, on whom, on his second conviction, a sentence of transportation was passed, had two brothers, who, while children, received a similar one. A seventh boy was able to read, and possessed of much natural intelligence; but his father tramps about the country selling penny numbers of the lives of Jack Sheppard and Dick Turpin, and his mother is an habitual drunkard. Only two boys of the nine have well-conducted parents; and they have not been sufficiently careful to save their children from the dangers of improper association.

It is evident, then,—and it is necessary that I should dwell on this subject,—that the discipline of a mere prison is not calculated to work a reform in such boys as these nine relapsed criminals. Suppose one of them convicted of a first, trifling offence; to sentence him to a term of imprisonment long enough for a course of such instruction as would make a new creature of him, would not consist with the popular views of the relation between crime and penalty; and would also require such a modification of the discipline of the prison as would by no means agree with its penal character. The sentence, therefore, passed upon him—separate confinement for a month and a whipping—contains a caution which he can understand, and a punishment which may deter from future crime, though it can scarcely be expected to reform. The boy, in his solitude, is visited by the governor, chaplain, and schoolmaster. What instruction can the schoolmaster give, in the short space of a month, to a child who, when taught to spell, is ignorant of the meaning of the words? What feelings and principles can the chaplain appeal to in a neglected creature susceptible of little better than gross animal instincts? Should he speak of religion, its promises or threatenings,—can he be understood by one who knows neither the meaning nor the name of a Saviour? Would he probe the heart in search of filial piety, and

endeavour, through that, to awake yet holier feelings? Alas! he appeals to a memory which associates the name of father with drunkenness, blasphemy, and brutality! In such circumstances as these, the exhortations of the chaplain are almost unintelligible; and the only warning which can be comprehended and felt by the object of his solicitude is the warning that a repetition of his crime will be assuredly followed by a sentence of transportation. During the hours of complete seclusion, how are the thoughts of the young solitary occupied? Not with sorrow for his sin, but with regret for its detection, and with plans of greater cunning for the future. Look upon him when he is unconscious that any eye is near, and he may be seen either in listless vacancy, or searching for some object of momentary amusement: in short, his existence in his cell is that of a mere animal. It will be said that all this only shows the impotence of prison discipline when applied to offenders of this class; granted—but it shows also the prevalence of evils, which, although they cannot be cured in Houses of Correction, might be almost entirely prevented, if society were as deeply impressed with their existence as, for the well-being of all, it should be. But this is not yet the case; and when the young criminal, liberated from the punishment of his first discovered offence, runs again into crime, and again stands convicted at the bar, the community demands the infliction upon him of a sentence rendered necessary by its own neglect: and pays a hundred pounds for the removal from the country of a dangerous pest, who, for one tenth part of the money, might have been educated to fulfil happily and creditably the duties of the station for which Providence designed him.

On the other hand, the value of even a little religious instruction cannot be better exemplified, than it is in the instance of a young prisoner who has had such advantages combined with good example in his parents. Former and happier feelings can now be adverted to by the chaplain with good effect. The love and care of father and mother, the grief they are now suffering on account of their sinning child, the disgrace to them and his brothers and sisters, the teaching of the school, the well-spent Sundays—these things are now remembered and pondered over; they prepare him for religious admonition, operate strongly on his mind during his hours of loneliness, and recall him to a better path. Boys such as I have now described do not often find their way into a prison, and when such unfortunately is the case, they seldom relapse into crime."

To ———, Esquire.

[An answer to an application for his assistance in the establishment of Houses of Occupation for discharged prisoners in London.]

"Preston, 1846.

"I am much flattered by your note of the 4th instant, relative to the establishment of Houses of Occupation for discharged criminals. I fear I cannot much assist you by any suggestions resulting from my experience; for, with few exceptions, *our* discharged criminals have opportunities of employment presented to them, if they are only willing to embrace them. The exceptions that do occur are generally with young females, who, at the rate of about two annually, have been sent to the County Refuge for the Destitute at Liverpool—an institution established for the benefit of females only. Such Institutions as you propose to establish are, no doubt, necessary in the metropolis: and in such large towns as Manchester and Liverpool, where thousands of young persons are living in misery and sin, without any one to encourage or instruct them in what is right, but with many—their parents included—to incite and train them to crime. It is for such that a *Refuge* is contemplated. But there are difficulties in organizing the system of such an Institution. On the one hand, the discipline must be so gentle as to encourage voluntary subjection to it—and on the other (and this appears to me to be the *great* difficulty), it should not suggest to the minds of the honest and industrious poor, that the young outcasts of society—the offspring of idleness and sin—are enjoying benefits which are beyond the reach of *their* children. I am not unmindful of the happy results which have flowed from the *Colonie de Mettrai;* but in reading the interesting account of that establishment, it has frequently recurred to my mind that the boys there—*ci-devant* criminals—were enjoying privileges and blessings unknown to those who are honestly struggling with the difficulties of their lot. I fear, too, that the benefits of a *Refuge* may operate prejudicially on the minds of unprincipled parents, who, (and I have known many such,) destitute of all solicitude for the moral welfare of their children, have yet that animal affection for them which would be gratified by knowing that they are well fed and clothed. I fear you will think me a sorry advocate for your views. The fact is, that while I fully concur with you, and the enlightened members of your committee, as to the necessity for Houses of Occupation,

in many cases, for persons discharged from prison; I am strongly impressed with a conviction that the *prisons* themselves should effect the desired reformation, and qualify their inmates for obtaining their living, and for becoming *a blessing instead of a curse to society.* A discharged criminal ought to be a reformed criminal. . . . In the mean time, suppose that measures were taken for obtaining employment, on their discharge, for those prisoners whose amended dispositions an appointed committee and the governor and chaplain could rely on. The visits of the members of the committee (two or three of whom might act in monthly rotation) would enable them to judge on this point—while many benevolent and judicious employers might be found who would cheerfully receive workpeople recommended by the committee; and there is no reason why reformed criminals from a well-disciplined House of Correction should not be in as much demand as the colonists of Mettrai. No doubt you have read an account of the success which has attended the unaided labour of Mr. Wright of Manchester. Could not a *sub*-committee or an *associated* committee, of such zealous persons as Mr. Wright be formed in the metropolis and elsewhere, who, actuated by a spirit like his, would seek employment for those who, having been rescued from moral and social ruin, would gladly avail themselves of the opportunity of earning an honest livelihood?

"I dwell upon the capabilities of a House of Correction, because I have had abundant cause to be satisfied with them, and because, unless prison-discipline is reformed, Houses of Refuge for the discharged will be almost useless. To a prisoner who has been saved from the horrors of prison-association, and who has been subjected for an adequate period to a strict, but merciful, discipline, the Refuge, if required at all, will be merely a temporary, and consequently inexpensive shelter. But before the vicious and unfortunate creatures—the corrupted and their victims who are now turned out of such prisons as Newgate—can be trained to industry, or even rendered innocuous to the community, they must undergo, at a great expense, years of discipline, and after all too often inflict disappointment.

"It occurs to me that a metropolitan Institution, such as your committee contemplate, might be aided by occasionally drafting off its inmates to our manufacturing neighbourhoods. If the trade of North Lancashire should receive no check, means of employment may be found for many who can work at the usual handicraft trades; and boys and girls might

be placed in *chosen* factories, where in a short time they would be able to earn from five to ten shillings weekly. We have in Preston young men of twenty years of age who are putting ten shillings weekly into the savings bank; and we have many hundreds more who *might* follow their example.

"I have to apologize for the length of a letter, which should have been shorter, had I possessed leisure to make it so, and also for writing more about gaol-discipline than Houses of Refuge; but I feel assured that the value and usefulness of the latter will mainly depend upon the excellence of the former. One boy, checked in his career of crime, obviates the delinquency of many whom he would otherwise contaminate. . . . With regard to the invitation with which you honour me—to become a member of your committee—you will judge how far I may have it in my power to further your wishes. My duties here would preclude my attendance at your meetings, much as I should be gratified in so doing: I can only hope that I may possibly be useful as a correspondent."[1]

To Mr. Stephen Neale, Chief Constable at Salford.

"Preston, 26th July, 1850.

"I need not tell you that the treatment of '*the really destitute and neglected portion of the juvenile population*' is one of the most difficult questions of the time. In the early part of 1846, I was written to by gentlemen in London, who were desirous of establishing an Institution not very dissimilar from what your excellent mayor contemplates, and was invited to become one of their committee. My reply represented what I subsequently and more shortly introduced into my report for 1846, and, as I afterwards learned, had the effect of inducing them to reconsider their views. Lest you should not have my report for 1846 within reach, I send you a copy of the passage which I allude to. I venture to suggest now, that plans for the benefit of the demoralized juvenile population might be facilitated and rendered more effective by drawing, at the outset, a marked distinction between the *really destitute* and those who are neglected by careless or wicked parents. The course pursued with the former might be widely known, and nothing but good ensue; but it would be difficult to

[1] The principles suggested in this letter are precisely those now adopted in Discharged Prisoners' Aid Societies, one of the first and best of which was established in Birmingham, in 1856.—ED.

devise measures for *neglected* children which should not hold out, to unprincipled parents, *inducements to neglect.* The children, in such cases, should be rescued from their unhappy condition; but the parents should not be allowed to escape due penalties for their misconduct. So far as my knowledge of prisoners enables me to form an opinion, I have come to the conclusion, that for one *destitute* child committed to prison, there are, at least, twelve *neglected* children. I have now before me a list of juveniles committed to our *sessions*, during the year ending last midsummer: the total number is only thirty-nine, and of these a boy of fourteen furnishes the only instance of real *destitution.* I mention these facts as illustrative of the difficulties which belong to the question. It will be enough merely to suggest to you the case of the *neglected Irish.*

"But, whatever difficulties may present themselves, there can be no doubt that something must be done to stem the tide of juvenile demoralization, and that '*something*' presents itself to my mind in the shape of such '*Industrial* schools' as have been established in Aberdeen and elsewhere, and of such plans as have been pursued in the '*Devil's Acre*' in Westminster,—the best account of which may be found in No. 13 of *Household Words.* This latter institution works all the more effectually because it works quietly. It has no temptation, either for depraved parents or depraved children. You are no doubt aware that juvenile depravity has been anxiously regarded in Scotland, and that many efforts have been made there to cope with the evil. In April last, the *Aberdeenshire prison board* held a meeting for the purpose of considering the draft of a 'Bill for the disposal and reformation of juvenile vagrants and offenders.' If you have not heard anything of this proposed bill, I think a sight of its intended clauses might suggest useful matter for your authorities' consideration. A line to 'A. Thomson, Esq. Banchory House, Aberdeen,' would, I am sure, procure you a copy of the draft-bill. I am very sorry that I have been able to do so little for you in this most important matter. Whatever may, or can, be done for the miserable young creatures who crowd and corrupt our streets now, the great effort must be directed to that general and truly religious education, which alone can prepare the rising generation for a better and more practical knowledge of the responsibilities which, by and bye, will rest on them as parents. I have not adverted to the plans recently originated in Liverpool by my old friend, that admirable magistrate, Mr. Rushton, because, at present, I am not free

from apprehensions that the Institution may be open to the objections which I ventured to intimate in 1846. Do not hesitate to write to me again if you think I can answer any questions, or do anything else which may be useful."

To M. D. Hill, Esq.

"Dec. 13th, 1851.

". . . . I agree to the fullest extent with the views of those who regard a *prison* as an unsuitable place for the training, or recovery, of a child in the right way. But my experience justifies me in thinking that, pending the establishment of those institutions to be especially framed for the benefit of perishing and dangerous children, even a prison may be doing something. But the prison can do nothing for a child by mere cold, martinet routine. Every tendency to evil must be sternly repressed; but the sparks of good must be fanned by 'the breath of kindness.' I am very sure that most of my juvenile offenders *never had been spoken to in a kind tone till they came into our Gaol.*

"I am exceedingly obliged for your kind invitation to Ashton Lodge. Were I less of a prisoner, I should please myself with the thought of accepting it. Let me reciprocate your kind offer, and say, if anything should bring you north-west, that I should be greatly pleased to have an opportunity of showing you all the attention in my power, both in and out of prison."

From Report for 1852.

"In respect to the evils apprehended from a numerous body of liberated criminals, the contemplated measures hold out a far better promise than has been justified by those hitherto pursued. The public has perhaps forgotten that, for many years, the greater proportion of sentences for the shorter terms of transportation were only carried into effect by three or four years' *demoralizing confinement in our home hulks,* after which the convict was turned loose again, corrupted, and corrupting, wherever he went. Other convicts were sent to the hulks at Bermuda; where, from their first establishment up to a very recent date, (and I possess irresistible and appalling testimony to the fact,) there existed among the convicts a state of things *more dehumanizing than can be expressed in language which civilized men are accustomed to hear;* and whence, after some

years' habituation to such an existence, they were brought home again, by ship-loads at a time, to live among Christian people without the possibility, humanly speaking, of redeeming themselves from the worse than heathen depravity they had contracted. In addition to these dangerous criminals *thus annually thrown again upon Society*, it is necessary to take into the account the unfortunate and vicious persons who, after imprisonment in Gaols *where association is allowed*, are discharged from them morally injured to an extent which too well justifies the opinion that imprisonment does far more harm than good. Now—founding the estimate I am about to offer on the official criminal returns, and making due allowance for committals to prisons where 'separate' reformatory treatment is observed—there is reason to believe that, at least, 80,000 offenders of different classes are yearly liberated from confinement in which corrupting *association* is permitted; and the conclusion I would draw from these circumstances is, that, although actual transportation may be abolished, and 2,535 convicts (the number transported in 1852) be subjected to imprisonment instead of being sent abroad, the number of *criminally disposed* persons at large in the country will soon be very much below their present amount, *provided that prison discipline be made in all cases what it ought to be.* . . .

"The slow progress of prison-discipline has been owing, in a great measure, to the facility with which offenders might be got rid of, without further trouble, by sentencing them to transportation. To this it may be added that sentences of transportation seem to be passed without due discrimination of the general characters and antecedents of the offenders. Evidence of this fact is fully supplied by cases in this prison. Fifty of our separate cells having been placed at the disposal of Government, for the 'probationary' confinement of as many convicts, I would cite from them the following examples of the discrepancy adverted to:—No. 1 bore an excellent character up to the moment when, in a state of intoxication, he fired a hay-rick: voluntarily surrendering himself afterwards to save innocent parties. No. 2, an ignorant agricultural labourer, is convicted of sheep stealing—having been already four times in prison. Nos. 3, 4, and 5 are London pickpockets. Nos. 6, 7, and 8 are three young men of 17 to 19 years of age, who had been employed in farm work in Bedfordshire, and had borne good general characters. Under the excitement produced by the drink and bad company of a beer-house, they set fire to a hay-rick. While in our charge I found them deplorably ignorant, yet

simple-minded, docile, and grateful. No. 9 had been a '*navvy.*' Of powerful frame and reckless temperament; working hard and drinking hard alternately, he seems never to have hesitated, when 'on the tramp' from one line to another, to recruit his means by anything that might offer, from petty pilfering to house-breaking. No. 10, a man of good connexions, has a wife and child to whom he is fondly attached. Particularly sober, but fond of sporting and horses, his society was acceptable to persons of much superior station to his own. He was convicted for 'receiving;' though a large body of his friends—including county magistrates—believe him to be innocent, and have made great efforts to obtain a mitigation of his sentence. These ten convicts, differing so widely from each other in general character and specific offence, *had received the same sentence of seven years' transportation!* It is obvious that terms of *imprisonment* would have been better capable of adjustment to the several cases. But though an equal sentence of transportation may have been *recorded*, the period of actual subjection to sound and corrective discipline may be duly apportioned to each case. Supposing that the conduct of the convicts, during imprisonment, were alike creditable, it would still be necessary to consider how far the probabilities of future good conduct might be strengthened by other circumstances besides their own good intentions. In this view, it would be *safe*, as merciful, first to restore No. 10 to his family and friends, who would be virtual guarantees for his good behaviour. The cases of No. 1 and of the three boys whom temporary insanity from drink had driven to 'fire-raising,' might, next, be deemed worthy of lenity. Afterwards, the 'navvy,'—in whom, by this time, it may be hoped that much of the *animal* will have been eradicated, and something of the human cultivated—might be trusted with his freedom; and, lastly, might be liberated the crime-bred thieves, who would require a much longer time than their fellow-convicts, under the *same sentence*, to be untaught their evil habits and to acquire some reverence for truth and honesty. It is with regard to these last-named characters that the chief difficulty of the subject presents itself. Their habits, from childhood, have been such, that even if, by God's blessing, '*a new heart and a right spirit*' could be implanted in them, there would often still remain the difficulty of qualifying them to obtain a livelihood by their own honest exertions. Unfortunately, too, men of this class seldom have friends who could be accepted as surety for their good conduct.

Nevertheless, reformation and usefulness are not quite out of the question even with all of these. As a class, they scarcely exist out of the metropolis and a few of our large towns. North Lancashire does not furnish one example in a year; and of the 242 transport convicts from various parts of the kingdom, whom I have had under my observation for the last four years, I would only select about twenty-four whom I should consider it necessary, for their own sakes and that of society, to send to a distant colony, in which, old temptations being absent, and the necessity for daily labour being always present, there would be a prospect of free settlement as the stimulus to good conduct.

"There is, indeed, good reason to hope that hearty efforts will now be made to give wide and full scope to the true reformatory spirit. The circumstances of the time show plainly that measures too long delayed —as a duty,—will brook no further delay—as a great necessity. The extraordinary events which have lately taken place in our Australian colonies are closely and momentously connected with the educational and reformatory questions. The same circumstances which forbid the continued deportation of our convicts to Australia are attracting thither free settlers; so that while the industrious and enterprising of our labouring population are hastening to the distant scenes which hold out such golden promises of reward to their energy—the ignorant, the dissolute, and the dangerous remain at home. Every one, therefore, who bestows a thought upon the subject, must perceive in these facts, a powerful argument for strong and instant endeavours to improve the moral and social state of every portion of the working class—and more especially of the criminal portion. With the necessities of the case, Providence raises up those who are enabled to meet them. The founders of the Aberdeen schools, Mr. Thomas Wright, Mr. Sydney Turner, Miss Carpenter, and Mr. John Ellis, have been moved to the rescue of the erring and the ignorant at the very period when the same Power which stirred their hearts had so ordered events in the physical world, as to make it manifest, that all the human material, which Christian endeavours may be able to mould into order and usefulness, will be required for the growing exigencies of the State. It is impossible to calculate on the precise direction which events may take in relation to our various home and colonial interests; but it is already clear that those interests demand the immediate exertion of all the educational and reformatory power which can be summoned to the work;—which can

be applied to the 'masses' generally—to the neglected, vagrant, and dangerous classes at large, and to the same classes occupying our prisons. Hitherto these last named have been looked upon as constituting so much *waste;* the only question with regard to it having been—how to get rid of it? The amount of moral, mental, and industrial capital which the country has left to neglect and ruin, up to the present time, is certainly fearful to contemplate; and the consequences of the *lâches* may yet be felt in a way little anticipated. The error, at all events, must be repaired as quickly as possible. Christian knowledge and power must be made more available for measures which even in the eyes of mere policy and prudence will now appear indispensable. We have seen the unsightly and offensive refuse, rejected by the unintelligent manufacturer, changed by the science of the chemist into materials of commercial importance—capable of various useful applications, or even convertible into objects of elegance and luxury. Similar success will crown the efforts of the Christian philosopher, whose science can detect, in what appears to the eye of ignorance nothing but a mass of social rubbish, the elements which may, by God's blessing, be wrought into form and usefulness, and be made to contribute to the credit, strength, and permanency of the Empire."

To Lord Shaftesbury.

"Preston, 21st June, 1853.

"The criminality of North Lancashire, which supplies this prison with its unfortunate inmates, is of a very different character to that which prevails in the Metropolis, in Liverpool, or in other *great* towns. Preston Blackburn, Burnley—and other manufacturing places in our division of the county—though containing a deplorable amount of general ignorance and sin, do not maintain many of that '*classe dangereuse*' who resort to thieving as their sole means of subsistence; and, with respect to *juvenile criminals,* our prison records, and the assurances of our excellent county police induce me to believe that we are entirely without such organized '*gangs*' or '*schools*' as abound elsewhere. You will the more readily believe this when I state, that, at this moment, our prison contains only *ten* boys (under 17) who have been convicted at quarter sessions, or under the '*Juvenile Offenders' Act*:—a small number to be supplied by a population of nearly 500,000! I detain your lordship with these preliminary observations, in order to show why—in our district—the

offenders who begin a course of crime *at an early age*, might be expected to appear in a smaller proportion than they must in places where juvenile crime is an organized system, and where its ranks are sought by emulous recruits. Nevertheless, your general conclusion, that 'the seed-time of crime is in the tender years of life,' is fully borne out by the results of observations which I have made from time to time, during my thirty-two years' chaplaincy. . . . . My report for 1837—a copy of which I forward —contains at page 5, some precise information of the kind which your lordship desires. You will perceive that the figures of Table number 10, in the report for 1837, refer to the age at which certain offenders were first *indicted*. Could it be ascertained at what age they began criminal practices—though, for a time, escaping detection—I have no doubt that the results would approximate very closely to those which you have obtained from the *data* furnished by your 'Place of Repentance.' Although we may have, proportionally, fewer criminals than many other districts, the circumstances as to the *age* at which these few first ventured into crime, indicate a statistical law nearly of the same character as that which you have observed. In looking over my numerous MS. narratives written, or dictated by prisoners, I am led to believe (in respect to *actual* though often *undetected* delinquency), that

58	per cent.	*first*	practised dishonesty	when under 15.
14	,,	,,	,,	15 or 16.
8	,,	,,	,,	17, 18, or 19.
20	,,	,,	,,	20.

"I have little doubt but that Liverpool, as I have already intimated, would exhibit facts and figures in still closer accordance with those referred to by your lordship; and I have therefore written to my friend, Mr. Carter, the excellent and experienced chaplain of the Borough Gaol in that town, requesting him to communicate with you on the subject. Juvenile crime bears an unusually dark aspect in Liverpool; and Mr. Carter has collected a mass of most important information relating to it. Accompanying the prison reports, you will receive also a report on Juvenile Crime in Newcastle and Gateshead. This report, which presents an appalling general picture of the subject, shows also how fearfully crime may be stimulated in the young by improper treatment in the very place nominally intended for its *correction*. I would beg your attention to this part of the Newcastle report; because, though reformatory schools are the chief thing needed for our young criminals, it is desirable

that prisons should be made as correctional and reformatory as possible, instead of being—as at Newcastle—the very reverse. I must apologize for having written at greater length than may have been necessary. The immense importance of the subject will, however, I doubt not, be an apology for any tediousness I may have been betrayed into."

To M. D. Hill, Esq.

"November 14, 1853.

"Your circular of the 14th of September, with the accompanying charge, found me confined by illness, and since I have been able to get into prison again, I have not had leisure, until now, to examine our records to ascertain whether any cases appear in them of discharged convicts committing outrage soon after liberation. Having now carefully investigated the matter, I may assure you that, except in a few cases referable to the low class of begging and pilfering tramps, recommitted for stealing apparel, &c. from hedges, and to those incorrigible drunkards whose excesses involve them in other crimes, we have no instance of the kind you mention for many years. The criminality of North Lancashire, as it is brought under my observation, is almost entirely of an incidental character, and not perpetrated by persons who belong to the regular *classe dangereuse*, but by the very ignorant, idle, and drunken, few of whom were out of employment at the time they committed their offences. The small number of persons tried at our sessions, who have made crime their calling, belong to Liverpool and Manchester, and were unknown to our police until after committed to prison. After committal, our inquiries, induced by the unmistakable air and manner which always betray the professional thief to experienced eyes, have led to an acquaintance with their previous history as noted in the criminal records of those towns.

"I believe that on a former occasion I had the pleasure of expressing to you my humble approval of the plans you suggested with regard to a systematic watching of known bad characters after their discharge from prison, and to the coercion and punishment of those who are *manifestly* pursuing their old courses. The recent alteration in the law in respect to transportation, makes the adoption of your views a necessity; for I do not think the country will ever gain a due mastery over its criminal population until something of this kind is done.

"The necessity for this is, perhaps, more strikingly apparent in Liver-

pool than in any other town. It would be absurd, if it were not monstrous, that in Liverpool there were on the 31st of December, 1848, no less than 1,270 *thieves whose residences were known to the police.* I have no returns since 1848, but if these thieves have continued to increase in number for the last four years, as they have done previously, their present amount must be fearful. The increase from December 1847, to December 1848, was 45 per cent.

"While, however, I would wish the liberated criminals to feel that a jealous eye will mark his first tendency to relapse, it is equally desirable that no ill-judged meddling by the police should deprive him of the means of obtaining an honest livelihood."

From Report for 1854.

"The lately adopted plan of liberating convicts, before the expiration of their sentences, with 'tickets of leave,' has raised an outcry for which, I am well assured, there has been little occasion.

"Careful inquiry will show that the public has been hasty and unreasonable in the matter. The experiment would be watched with more patience and candour if it were remembered that we *cannot* send our convicts to the Colonies, as we formerly did; and if it were fully known what the community has, unconsciously, been enduring for many years under the *hulk system*—demoralizing as that system was at Woolwich—unspeakably horrible as it was at Bermuda.

"My direct means of observing the working of the new plan are, necessarily, very limited;—but what I *have* seen of it is highly encouraging. I believe that upwards of forty-five males sentenced to seven years' transportation at the Preston Sessions, and previously resident in North Lancashire, have returned to their homes on tickets of leave. Two of these have re-entered the prison; but neither of them for offences of that desperate character which the alarmed public might expect to hear of.[1] With several other 'liberates'—from Portland, Dartmoor, and Parkhurst—I have had interesting and satisfactory interviews; and it is only justice to the discipline of those establishments to declare that the appearance of the men betokened a physical and mental improvement

[1] One of them is a poor weak-minded rag-gatherer, re-committed for stealing rags: the other was committed summarily, for one month, on a charge of assaulting his wife, who, during his absence, had given him, as he believes, too much cause for jealousy.

which I was little prepared to see, and which, with respect to two of them, I should not have thought possible. Both of those two—to my own knowledge—are now leading respectable lives.[1]

"While, however, I have great confidence in the *general* well-working of the 'ticket-of-leave' system, I cannot but doubt its applicability to convicts who have belonged to the habitually, or professionally, criminal class of London, Liverpool, or other great towns. We have had many such men among the Government convicts sent to us for probationary discipline; and during my intercourse with them I have been led to believe that—in many instances—they desired, and intended, to forsake their evil course. But they were, themselves, sensible that a return to former scenes could only lead to ill. They foresaw that it would be almost impossible to avoid old associates, and to escape the numerous temptations which would beset them. Some of them have entreated that I would try 'to get them to go abroad.'[2] Every principle of justice and mercy requires that these entreaties should be listened to.

"The great majority of *provincial* convicts are not systematic criminals, but rather incidental offenders, who have been impelled to criminal acts under the stimulus of drink. When these men are not deficient in understanding, their reformation—humanly speaking—is a comparatively easy work. On their liberation they obtain employment more easily than is generally supposed, and are almost sure of gaining character and comfort, if they will only keep out of the ale-house and beer-shop.

"The real ground for apprehension and alarm about discharged criminals

[1] Another ticket-of-leave man, not belonging to this part of the country, but who had been under our care after his conviction at Lancaster, called upon me, on his way to Northumberland. Disappointed in his first attempt to see me, he delayed his journey, and, eventually, I had the satisfaction of an interview with him. His whole demeanour and language were such as to win confidence. Indeed, there was no possible motive for imposture or hypocrisy. Supposing he might need some little help in his journey, I offered it; but it was at once declined, with thanks. He had been supplied, he said, on leaving Dartmoor, with sufficient means for reaching his destination. In all human probability I shall never see this man again; but the impression he made upon me will, I hope, long remain.

[2] In accordance with my earnest wish, E. R., who had been a most accomplished thief, and at the same time a man of great observation, and no inconsiderable ability, was sent to Hobart Town. A few days ago, I saw his name, and that of another man who had been a member of my prison congregation, in the list of subscribers to the Patriotic Fund. The Hobart Town newspaper, which contained the list, had been sent by E. R. to one of our schoolmasters.

[E. R. is the man alluded to in the letter to Mr. Dickens.—ED.]

is not to be looked for in the 1,500 or 1,600 convicts annually liberated from the admirable reformatory institutions at Portland, Dartmoor, &c., but from the 70,000 or 80,000 offenders of different classes and degrees, who are, every year, turned out of prisons in which crime is encouraged by corrupting association. There are more really 'dangerous characters' discharged from such prisons in a fortnight, than could be found among all the 'ticket-of-leave' men liberated from Portland, Dartmoor, Parkhurst, and Portsmouth in a year. . . .

"Although the discipline of this prison has put an end to the contaminating association of the 'trial yard,' where, formerly, young offenders received their finishing instructions in crime, and were enabled to concert future operations, it could not work so strongly *in terrorem* as to repress criminal inclinations in boys and girls—the miserable children of drunken and profligate parents—who had never been subjected to it. These neglected and much to be pitied creatures, when first apprehended for some petty theft, are sent into our care for seven or fourteen days, or a month; and, their imprisonment over, they return to their homes. What homes?—Homes of vice and brutality! Homes cursed by drunken fathers, or unfeeling step-parents! Homes in unused outbuildings, stables, privies, or other similar shelters, in which orphans or children 'turned out of doors' are accustomed to pass their nights. Ere long the destitute child commits a fresh offence, and a longer imprisonment is the penalty. But the discipline of both imprisonments together is not long enough to correct what is evil *in* the child; and, even if it were, it could not strengthen him against the *external* evils to which he will be exposed from the moment he leaves the prison, and which will continue to act upon him, until, after two or three more summary committals, under 'the Juvenile Act,' and then one or two convictions at the sessions, he is quite ripe for a sentence of penal servitude. Now if, at the outset, instead of considering only the 'trifling offence' which this child has committed, and passing a 'suitable' sentence for it (seven, ten, or fourteen days), the condition of the *offender himself* were inquired into—his mental, moral, and domestic condition,—it would soon be discovered that he was destitute of almost everything which should distinguish the child of a civilized Christian from the child of a heathen savage: and, if the child were thought of more consequence than his 'slight' offence, it

would be deemed right to place him under *corrective* treatment for such a length of time as would suffice for his proper religious and industrial training, and would enable him to gain an honest livelihood and a good name. But, it may be objected, this would be a long and expensive process. The expense must be defrayed by the 'worse than an infidel' parent; and if his vices have brought him to a state which disables him from the fulfilment of the duty, correctional and penal consequences should be imposed upon him; and society must take charge of his child; fully assured that—setting aside the matter of Christian duty—it will be sound economy to do so. The child will cost much less by a few years' proper training than he would by a few years of alternate imprisonment and crime.

"But the religious and industrial training required in such a case as the one now supposed cannot be given *in prison*. Certainly not. A reformatory prison, such as this, can provide, and *has provided, in several hundred instances*, permanent correction for boys who had momentarily gone astray, but who, when restored to liberty, were also restored to homes where kindness and good example were not wanting. But no *prison* can be adapted to boys who may require perhaps *years* of industrial and moral discipline. The personal restraints which cannot be dispensed with in a prison render its discipline inapplicable to growing boys beyond a certain period of time. The only place for them is the reformatory school.

"Comparatively exempt as we are from youthful crime and destitution, there is still an amount of both which points to the necessity for establishing a reformatory school in North Lancashire. That necessity, indeed, is becoming more and more undeniable. There are, at this moment, three children awaiting trial at the sessions for offences which are, in reality, burglaries! burglaries effected with a degree of coolness, skill, and resolution which old and practised thieves might envy. Incredible as it may seem, one of these child-burglars is not yet nine years old! His story, as he tells it, is this:—'My mother is dead: I do not remember her. My father often got drunk: he used to lick us with a rope: he used to bring women into the house—drinking—on Saturday nights. My father married again about two years ago: he sold all the furniture and left us. . . . . I have broken into two houses. The first was on a Sunday morning about five o'clock. I had been sleeping in the

stable all night. In the morning I got into the house through the cellar. I went up stairs, and got into the bed-room, where there was a man and his two sons in bed. I took his trousers into the cellar, and found some copper and silver. I left the trousers on the cellar steps. Some lads got all the money from me but half-a-crown. I was not put up to do this by any one. Four days after, I broke into another house. I got in through the back door about twelve o'clock at night: I went up stairs into the man's bed-room, and took 13*s.* 6*d.* from his trousers' pocket. I bought something to eat with the money. I slept out every night, and played about all day. I have four sisters and a brother; and I am the youngest but one.'

"The two other young burglars are respectively thirteen and fourteen years old, and are charged with the same offence—breaking into a flour mill. They effected their entrance by cutting out a pane of glass from a window. The younger boy says:—'Both my parents are living. I cannot read. My father seldom misses getting drunk once or twice a week. . . . . I have often been to the Albion singing-room: my father does not look after me.' The third child's account is very short. He describes the way in which the robbery was effected, and then says:—'I have a *stepfather*: he gets drunk sometimes: he sent me to school; he used to go to church, but he has given over going for about four years.'"

Journal, 27th November, 1855.

"Among the prisoners committed yesterday, there is one for trial named ——, who proves to be a '*ticket-of-leave*' man—had been repeatedly convicted, as a boy,—being an ignorant, incorrigibly idle lad. Soon after being sentenced to transportation he was removed to Wakefield, to undergo the preliminary stage of discipline in separate confinement. After having been about a year in Wakefield, he was removed to the '*Warrior hulk at Woolwich!*' where, as he tells me, he remained thirty-three weeks. These thirty-three weeks were passed in *unrestrained association* with some hundreds of choice thieves and profligates. The wretched boy (he is now only twenty) admits that their conversation was more frequently about schemes of future robbery than anything else. Under such circumstances what better could be expected than an early relapse into crime? Uninformed or prejudiced persons will place this case among the proofs of

the evil of the 'ticket-of-leave' system. Mr. Serjeant Adams and Mr. Jardine, the police magistrate, would certainly do so. It is a case, however, which suggests the inquiry—how many of the 'ticket-of-leave' relapses, brought under the observation of these gentlemen, have applied to men whose penal discipline was undergone at the hulks? This is the second 'ticket-of-leave' case for trial. A circumstance deserving of special remark, is the striking difference of manner, expression of countenance, and even physical appearance, in the *Hulk* liberates, and the Portland or Dartmoor ones. The latter have a prepossessing, manly, *creditable* air: the former have an indescribable look, through which the hardened and profligate, and *dangerous* spirit is only too visible."

From Report for 1855-6.

"Any doubts which may have been entertained as to the successful issue of reformatory schools, when the great movement in their favour took place a few years ago, ought now to be set at rest, for it has been sufficiently proved that wherever they have been earnestly and judiciously worked, there criminality has received a check which, in many cases, has been beyond the most sanguine expectations of the benevolent promoters of the movement. One of the most able and most successful of them writes:—'The real work (for Reformatories) is the *diminution of crime*. For a time the impression made in (Gloucestershire), could hardly be statistically determined, though I could see a great difference between the determined young thieves who came at first, and the lighter and more manageable cases we afterwards received. But after a time of gradual slight diminution, when we had caught the last of the old gang, the number of convictions in Cheltenham suddenly dropped from fifty to fourteen per annum; while the second convictions (of more real consequence than the first) have dropped from eighteen to three. This would not be sufficient to prove a general rule; but in Norfolk, Mr. Wright says that he finds a great diminution. . . . . In Bristol the committals in 1855 and 1856 were 220, while in 1857 the numbers will hardly come up to 70.' We have, therefore, good reason to cherish the warmest hopes that the reformatory school recently established in the Northern Division, will, under Providence, have its full share of happy results; knowing, as I well do, the great ability and enlightened spirit which brought it into existence, and will be an unquestionable guarantee for its efficient management.

"There has been some cause for apprehension that reformatory schools might go nigh to supersede reformatory prisons. To permit anything like this would be to swamp, and therefore to ruin the schools, and would also act very prejudicially on those classes which require to be stimulated, or rather compelled, to take proper care of their children. If we compare, as we ought to do, the expense of training a criminal boy in a Reformatory with the expense of training an honest one in a national or other school for children of the operative class, we must be sensible of no little inconsistency; an inconsistency which can only be justified by the consideration that the reformatory school is an extreme measure, necessary for the cure of an extreme evil. In all ordinary cases of youthful delinquency, a reformatory prison will produce the correction of the offender; a fact which is sufficiently proved by the circumstance that 75 per cent. of the boys committed to this prison were committed for the first time; in other words, that a reformatory prison has a properly corrective effect on 75 boys out of 100 who may be placed under its discipline.

"It need scarcely be intimated that sentences to reformatory schools should be reserved, at the outset, for those young offenders on whom imprisonment has been tried three or four times in vain; and that when these are cleared off, or so reduced in number as to leave vacancies in the Reformatories, such sentences should be passed on boys committed a second time, although with many of these a third imprisonment would be, as it has been in similar cases, effectual. 'If Reformatories be restricted to boys who are really entering into what we may call regular crime, I have little doubt that, within two years, all the county Reformatories will have done their work, and will find that crime is checked, and can be kept in check without receiving more than probably one third of their full number. They will then be able to assist any of the large towns that may need their help.'[1] These expectations may be thought too sanguine,

[1] Letter of J. Baker, Esq. [Justices in many counties have clogged the working of reformatory schools by sending juveniles to them by wholesale, oblivious that they were established first for young ring-leaders in crime, and secondly, for the children of criminal parents. In a letter to the *Guardian* newspaper last year, Mr. Baker writes thus:—

"The cases occasionally committed to Reformatories are smaller than you would probably suppose; forgive me if I mention a few that I have known in different counties:—No. I., 11 years old—cutting off a branch of laurel hanging over a lane; 3 years. No. II., using very bad language to a donkey, 3 years. Nos. III. and IV., ages 10 and 14—highway robbery! A small boy had been sent to buy threepennyworth of sugar, and passing nos. III. and IV. in the village street, they hustled him down and ate up the

but they are the expectations of one who has had long experience both as a county magistrate and as the manager of a reformatory school. One of the acts relating to these schools provides that, in sentencing them, the reception into a school shall be preceded by the discipline of a prison for not less than fourteen days. This preparatory imprisonment, when it can be passed in a House of Correction where a good system is carried out, seems to me to be for too short a term. Three months' discipline in a separate cell would make a lad attach a proper value to the more active life and other great advantages of the school. But where even this *minimum* imprisonment of fourteen days can only be served in a Gaol which permits association, the indiscriminating enactment works most mischievously, in dooming a child to fourteen days' exposure to the worst corruption, by way of prelude to the good influences of the Reformatory. If we wished to give a thorough personal cleansing to the same child, we should hardly think it necessary to begin the process by immersing him in a common sewer.

"One of the most important things connected with reformatory schools is the obtaining from the neglectful parent the necessary payments towards his child's maintenance.[1] The means to this end should be rendered—as they may be—more simple and more certain, if it were only to remove the inducements which would, and *do*, lead unprincipled parents to neglect their children, in the hope that the reformatory schools will take them off their hands. . . . I should scarcely have ventured to take any part in promoting the establishment of reformatory schools, had it not been fully understood as essentially contingent on their establishment that, in every possible case, the parents of children who might be placed in them should be compelled to contribute to their maintenance. I will submit

sugar. Very wrong, I grant; but not a case of pistols on Hounslow. No. V., coming home from work, by a large pond found a wounded wild-duck and took it to his father, who sent him with it the next morning to the keeper, and he sent him to the magistrate, who committed him to a Reformatory for three years."—ED.]

[1] At the meeting which took place at Birmingham in December, 1851, and gave the first impulse to the general movement in favour of reformatory schools, an opportunity was allowed me of urging this point. Referring to the case of two boys (brothers, committed for the *third* time, and on the last occasion on a charge of burglary,) whose father, though earning 3*l.* per week, had utterly neglected them, I said: "Many more illustrations of the unchristian training to which multitudes of children are exposed might be given, but I will pass on to the conclusion, which I believe myself warranted in drawing from the facts I have submitted, that parents ought to be compelled by law to defray part, or the whole, of the expense incurred in giving that religious and industrial education which

only one more observation relative to reformatory schools. The training in them is intended to qualify boys for earning honest livelihoods, by fixing in them industrious habits and right principles. Is it impossible to introduce a similar training—*in respect to the industrial element*—into the schools for the honest children of parents who toil for their families with anxiety and affection, and strive to bring them up so that they may do credit to themselves and to the station which Providence allots to them? reformatory schools, intended—as they are—for a *very* few, are not of the *first* consequence: the schools for our young millions *are;* and surely it is not unreasonable to hope that the benefits of a system excellently calculated, by its industrial training, to fit boys for their places in after-life may not be conferred only on a limited number of those who have been marked as felons, and be withheld from the great mass who have been brought up in care and honesty.

they themselves have culpably neglected to give. It may be that, in many cases, the parents are unable to contribute anything towards this expense; but this inability will often be found to arise from wilful idleness, drunkenness, or other vice; and when such causes of poverty are proved, I see no just principle which would be opposed to making parents of this character liable to imprisonment for their misconduct."

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CHAPTER VII.

THE STORY OF AN INNOCENT PRISONER.

To commit to writing some of the many curious stories connected with his labours in Preston Gaol, was one of the amusements with which Mr. Clay schemed to fill up his leisure after resigning his chaplaincy. Like many other of his projects, however, it was never accomplished. When he was at last free, his health was so utterly broken as to render him unfit for any, even the lightest work. The following was the only story he ever began, and this it will be seen was not completed. The part that he plays in it is so characteristic of his deliberate and pertinacious energy, that it is inserted here, unrevised as he left it, but with the addition of a few extracts from his journal to complete the tale :—

"Much more than half of my life has been spent in Gaol, and when I confess to threescore years of age, it will be conceded that my experience of prisons and prisoners is no trifling matter. I may as well say at once, however, that I was not put into prison for evil doing, but that I ought try to bring evil doers to better thoughts and better ways. I need hardly confess that my endeavours have very often failed; but I *may* mention, that, under Providence, they have sometimes been successful. It is substantially present object to write about prison-discipline—about deterring treatment and reformatory treatment—but to relate as plainly as I can a true prison story, which will show how it happens that an innocent person sometimes undergoes the doom of a criminal, owing to want of due caution on the part of witnesses who undertake to speak to identity, or to

the obstinate and unreasoning adherence to impressions hastily and carelessly formed at the outset.

"The curious *phenomena* of what is called 'Biology' have been referred to the extraordinary power which suggestion exercises on some minds; and I have seen instances in which nothing better than suggestion has led a witness on a trial into a belief as widely—though not as absurdly—opposed to the truth as any conviction forced upon the disordered faculties of a biologized subject. Some witnesses, again, take no pains to discriminate between facts and their own conclusions,—between what they actually saw take place and what they conclude *must* have taken place. An instance of this tendency to substitute a conclusion or inference for a fact came to my knowledge in connexion with a burglary perpetrated by a detachment of the terrible 'Frimley gang.' In this case the *facts* were these: one of the thieves, ascending a ladder, effected an entrance by the unfastened window of the bedroom, occupied by the aged master and mistress of the house, then came quietly downstairs, and, opening the front door, admitted the rest of the gang, all of whom reached the bedroom before the sleepers were awakened. The old lady was then roused, and, seeing seven or eight men in the room, and the window wide open she at once came to the conclusion—and naturally enough—that all the robbers had entered by the window; and this impression once made upon her mind remained irremovable. One of the robbers (who has since taken to better ways in Australia) gave me a minute account of this transaction, which was confirmed by an accomplice, whose statement was made in ignorance that I possessed any information on the subject.

"At the great trial of the leaders of this same gang for the murder of Mr. Hollest, the unfortunate lady who was the principal witness expressed her firm belief that Hiram Smith, who had been admitted Queen's evidence, fired the fatal shot. The judge, the jury, the bar, and all the auditory of that crowded court, shared poor Mrs. Hollest's conviction, and the evidence of Hiram Smith was rejected as false throughout. But the last words of one of the executed robbers testified that Hiram Smith's evidence was all true.

"Some years ago I was present at a trial for burglary, on which an aged couple swore to the prisoner then at the bar, as a man who had entered their bedroom with his face blacked. On this positive evidence the prisoner was convicted. Owing to circumstances, however, which could

not be made matter of evidence in court, but which, nevertheless, have much weight with such persons as prison chaplains, who see prisoners in a light from which judge and jury are shut out, I suspected that the evidence to identify had been too hastily acquiesced in, and of this I became fully convinced, when, on making the requisite experiment, in conjunction with the governor of the prison, we both found it impossible to recognise features which had been subjected to the blacking process, although we had been previously familiar with them, and although we examined them under their sable disguise with a care and deliberation which could not have been exercised under circumstances of haste and alarm. In this case the supposed burglar received a sentence of transportation for life. The late Mr. Phillips, of the Home Office, however, gave his kind and earnest attention to the representations which I ventured to make to him; and, after some time, the man received a pardon, of which, by his subsequent good conduct, he showed himself deserving.

"'Policemen are very apt to jump to conclusions, or to act on suggestions arising from their professional experience. This tendency of theirs is exemplified in a case with which I became acquainted a few years ago, when I had under my spiritual care a convict from a southern county, sentenced to ten years' transportation for sheep-stealing. This man was placed with us to undergo a year's 'probationary discipline,' in separate confinement;—and, here, before going on with my stories, it may be well to explain that our mode of carrying out separate confinement permits the prisoners to see each other, and to keep alive the social principle, when at exercise, at school, and in chapel. Many years' trial of this modification of the 'separate system' has assured me that under it the mental powers are not merely unimpaired, but improved; while there is sufficient isolation to induce wholesome thought, and to save from the contamination which would be the inevitable consequence of prison intercourse. After a few months' subjection to this discipline, the convict I have mentioned, and whose name was R——, intimated to me that he had 'something on his mind,' and, eventually, he committed to paper a short statement, the substance of which was to the following effect:—'Eight years before the date of his account, he had been drinking with two companions, K—— and D——, when, all their money being expended, it was proposed that they should obtain a further supply by stealing a sheep from a neighbouring farmer, named R——. But, as a preparatory step, my convict

acquaintance was deputed to ascertain whether a certain butcher would buy the sheep when they had got it. The butcher, on learning from the drunken messenger the names of the parties proposing to treat, declined their overtures. It happened that, a few nights afterwards, the farmer had a sheep stolen; and the butcher, remembering R——'s proposals, made the police acquainted with them. R—— and his two companions were apprehended, and the acute policeman concluded that the men who had *intended* to steal a sheep from a certain farmer on a certain night must be the guilty parties in the robbery by which the same farmer suffered a few nights afterwards. The remains of the sheep were found in the house of a fourth man, W——. The policeman, building his conclusions on the fact of R——'s drunken overtures to the butcher, was, no doubt, perfectly convinced of the guilt of the parties, and became —as any zealous policeman would—only anxious for their conviction. To obtain this he induced R——, by dint of promises and threatenings, to make such depositions, in character of Queen's evidence, as he thought necessary to the ends of justice, and the result was, eventually, the transportation of the one guilty man, W——, and the two innocent men, K—— and D——. R—— was set at liberty.' Now, I do not impute to the policeman who figures in this story the dreadful crime of subornation of perjury, but his foregone conclusion led him to regard R—— as an unwilling witness, whom it was his duty to compel to speak the truth. R—— suffered so much distress and remorse from thinking of the fate in which he had involved the two innocent men, that, to relieve his mind as much as possible, I forwarded his statement to the Home Secretary, though with little hope that anything could be done for men who had been sent out of the country seven or eight years before.

"Examples of injustice inflicted on innocent persons, owing to the groundless prejudices and prepossessions of witnesses, might be greatly multiplied. The few I have noted above show how difficult it is for the ablest judge to penetrate to the truth through the callous hides in which it is concealed. Examples of the fearful consequences of unscrupulous, conscious, and deliberate perjury will occur to the minds of many readers. It is only necessary to glance at the Wolverhampton case as illustrating the reckless depravity which would plunge innocent persons into misery, for the sake of obtaining some momentary benefit. I have known more than one victim of wilful and cruel perjury. We received into our care,

from a midland county, two young men under sentence of transportation for life, for an alleged outrage of the worst kind. After long observation of their conduct and dispositions, and after frequently sifting their respective statements—according to which one of them was innocent of the *violence* imputed to him, and the other guiltless of the slightest impropriety —I began to suspect that the prosecutrix had been guilty of perjury. When the young men had been separated from each other during seven long months, and when it was impossible for them to fabricate a common story, I obtained from each of them a written account of the transaction which had led to their trial and conviction. Neither of them had reason to suppose that his narrative would be compared with his fellow-convict's. The statements, however, were mutually confirmatory, and, especially in some little incidental points, quite beyond the inventive faculties of the most skilful story-teller, but satisfactory to the truth-seeker, who knows the value of undesigned coincidences. I became fully convinced of the innocence of these young men, and endeavoured to obtain for them the favourable consideration of the Home Office. What was so clear to me, however, could not be made so to the superior authorities, and the convicts might have suffered the full measure of their sentence had not the ignorant and depraved prosecutrix let fall, in an unguarded moment, the mask of falsehood she had worn at the trial, and laid herself open to a charge of perjury, on which she was eventually convicted. The Queen's pardon—pardon for the *innocent!*—was, of course, obtained by the young men, but not until they had undergone their year of separate confinement, and been subsequently exposed to a few months' demoralization in the society of the hulks!

"Within a few weeks of the receipt of the pardon of these victims of perjury, we liberated a third convict, by virtue of an act of royal clemency, who had also been sentenced to transportation for life for an alleged offence similar to that imputed to the young men. I never knew the circumstances in this case, the prisoner having maintained a close reserve during the whole of his imprisonment. The instances of carelessness, obstinate prepossession, and determined false swearing, which have been related—and I could multiply them to a sad extent—seem to me to intimate very strongly that all parties concerned in the administration of the criminal law are little aware of the difficulty of eliciting truth from the ignorant, stupid, reckless, and unprincipled witnesses who are too often called on to give evidence in our courts of justice. Were there no other reason for

pushing on the work of education, the necessity for having intelligent witnesses, as well as conscientious ones, in our witness-boxes, would be an all-sufficient one.

"What I have written thus far is only introductory to my chief story —a story which illustrates the cruel consequences of forming hasty conclusions, and shows how persons, even of education, having once admitted an impression to be made on their minds, may cherish and favour it until it becomes a rooted conviction.

"What I am about to narrate are facts throughout, except in respect to the names, which I purposely disguise.

"Early in the year 185—, a small draft of convicts was sent into our care, from one of the great metropolitan prisons, to undergo the first stage of penal discipline in separate confinement. Among them was a man of about forty years of age, named John Wilson. The official papers transmitted at the same time showed that his offence had been burglary, and his sentence ten years' transportation. The man himself stated, in answer to the usual questions which my duty requires me to put to the unhappy persons who come before me under such circumstances as his, that he was charged with robbing his employers, in whose service he had been for about fifteen years, adding that, nevertheless, he was entirely innocent. I was not inclined to attach any importance to this denial of guilt, partly from all absence of earnestness in his manner, chiefly because such denials are only too common even when guilt has been demonstrated. Wilson gave me the idea of a man who, thinking that it was just as easy to assert innocence as to admit guilt, chose to take the chance of any benefit which might possibly turn up on the strength of such an assertion. Whenever opportunity offered, in my subsequent conversations with him, he maintained his innocence; but his patient and submissive demeanour seemed more suitable to a man acquiescing in a sentence which he felt to be just, than to a man undergoing punishment totally undeserved. Still, this quiet and uncomplaining disposition was calculated to win upon our good opinion. When Wilson had been with us about five weeks, my attention was attracted by a police report in the *Times*, from which it appeared that a young man named Naylor, who had been recently convicted of a burglary, charged himself and two accomplices with the robbery of which Wilson had been found guilty, fully exonerating him from the slightest knowledge of, or complicity in the affair!

"After reading this account I sent for Wilson, and, without giving him any intimation of what had occurred, I obtained from him, for the first time, all the details which he could furnish relating to his unfortunate case. These details I committed to writing. They were to the effect that he had entered the service of Messrs. Robinson about fifteen years ago, that about two months before the robbery he was entrusted with the keys of the premises, and that—knowing an attempt had once been made to break into them on a Saturday night or Sunday morning—he made it a rule to visit the warehouse every Sunday morning on his way to church. On a certain Sunday in October he was kept at home in the early part of the day by his wife's illness, and did not make his usual inspection until 6.30 P.M. when, to his dismay, he found one of the doors (No. 5), of the warehouse open. He gave an alarm at a public-house opposite, and the waiter sought a policeman, while Wilson himself kept watch at the door. When the policeman arrived, he, the waiter, and Wilson, proceeded to examine the premises. They found a large iron safe, and about thirty desks and drawers broken open, and their contents scattered about. A superintendent of police then arrived, and after a further examination, leaving the police in charge, 'I went,' says Wilson, 'to inform Mr. Good (one of the firm), of what had happened. Unfortunately, he had removed his residence, and I was not aware of it. After many enquiries, I got a blue-book, and found that he lived at No. —, Northbourne Terrace. I went there, and informed him of the robbery. . . . . He came to the warehouse, and discovered that a great quantity of money and plate had been stolen. . . . . In the morning (Monday), a Mr. Cheese, who lived three doors from the one found open, informed Mr. Good that as his son was going to church the morning before he saw me come out of No. 5. About half an hour after this I was called into the counting-house, and asked whether I had any suspicion of anybody. I replied, 'None whatever.' I was then told what Mr. Cheese had said, and was given into custody. I forgot to mention that the first-floor window of No. 6 was open when we made the search, and further, I declared that I never left my lodgings from Saturday night until six o'clock on Sunday evening, except to get a pint of beer for my dinner.'

"A copy of this statement by Wilson I sent immediately to Mr. Good, telling that gentleman that I did so in consequence of having seen the report of Naylor's confession, and requesting to be informed whether it

was entitled to credit. I was told, in reply, that every means had been taken to test Naylor's statement, but that 'no one particular of it could be substantiated.' As to Wilson's statement, 'I disbelieve,' wrote Mr. Good, 'the story of the blue-book, because in that part of the town no shops of any kind are open on the Sunday, and I believe that such a book is not kept at any of the public-houses. It has been *reported*, since the trial, that all the witnesses for the defence were paid by the prisoner's friends, for the evidence they gave.' This letter was rather discouraging, showing, as it did, unwillingness to entertain anything which might throw a doubt on Wilson's guilt, and mentioning as a damaging fact the report that Wilson's friends had paid the expenses of his witnesses. I could not help thinking, too, that it was unfortunate for Wilson that his employers' premises should be robbed so soon after he had been entrusted with the keys of them; nevertheless it was only right to give him an opportunity of further explanation about the blue-book, and also of accounting for possession of means to defray the expenses of his defence.

"Wilson was a man of slow though sound faculties, and it required time and patience to obtain from him a clear account of any circumstances which might be at all calculated to tell in his favour. In no single instance did he ever spontaneously start any suggestion, or put forward any fact or argument to show the probability of his innocence. This absence of effort to exonerate himself might have prejudiced some minds against him, as indicating a consciousness that facts were too strong against him. As I came to know the man better it led me to take an opposite view, and to think that he was unable to see reasons or circumstances capable of being turned to his advantage, solely because he was completely in the dark as to every part of the affair. An instance of his simplicity in rejecting a suggestion which a dishonest man would eagerly have seized, will be given in the course of this narrative. With regard to the blue-book, the prisoner said that, after many vain attempts to find a copy, he at length succeeded, 'at a public-house in a Mews, near —— Terrace.' He could not remember the sign of the house, but he thought the publican's name was O——, and he remembered there was a large coloured lamp over the door.' Fortunately I had a friend residing near —— Terrace, who kindly undertook a search for the Mews, the lamp, Mr. O——, the publican, and the blue-book, and succeeded in finding them all. This was satisfactory as showing that Wilson's slowly evolved

explanation had proceeded, not from bungling attempts at invention, but from a desire to tell the truth as far as his memory would permit. The next point on which I wished to satisfy myself regarded the cost of the prisoner's defence. I took an early opportunity, therefore, of asking Wilson how much he had saved while in his employers' service? 'Oh,' he said, 'not more than 4*l.* or 5*l.*' 'But that would not be enough to pay your lawyers and witnesses?' 'No, my missus had to borrow 5*l.* or 6*l.*' 'From whom?' 'Why, from Mrs. Underall, who keeps a shop in —— street.' I wrote to Mrs. Underall, and received an immediate reply confirming Wilson's statement, and written in terms which bespoke her own respectability and kind disposition. The confirmation of these little items in Wilson's account strengthened, of course, my favourable opinion of him. So far as opportunity had been found of testing his veracity, the trials had been satisfactory; and the presumption of his innocence was increased accordingly. Unfortunately, however, I had no means of pushing forward inquiries which might result in converting presumption into certainty. The prosecutor—as was evident from the tone of his letters—entertained the strongest conviction of Wilson's guilt, and there was no hope that any admission of circumstances which could tend to throw the slightest doubt on the subject could be obtained from him. Nevertheless, I could not give up the poor fellow's case without taking some little more trouble about it; and in order that I might understand it more thoroughly, I procured a printed copy of the short-hand writers' 'minutes of evidence,' taken on the trial.

"Wilson having pleaded not guilty to the indictment against him, Mr. Good was called as the first witness. He stated that 'Wilson had been in the service of himself and partners for about fifteen years; that, latterly, he had charge of the keys; that on a certain Sunday night prisoner came to his (Mr. Good's) house, and stated that the warehouse had been broken open, &c. Witness accompanied prisoner to the warehouse, ascertained the extent of loss, and that there was no appearance of violence: observed a large bunch of rusty old keys, apparently placed *as a blind.* These keys had been kept in the foreman's desk, and the prisoner knew them, &c. Prisoner pointed out a window on the first floor through which he supposed the entry had been effected; the window and the shutters were open, but not broken; the window looked on to a skylight placed in a flat of leads which was protected by a *chevaux de frize.* The window

itself *had not been fastened, but the shutters had been barred within; the bars were drawn but there were no marks of violence on the shutters. The shutter was fastened with one of those bars which you see in a drawing-room, across with a pin in the centre; the screws had been wrenched out; they had been there many years, and were not very strong.'* It will be shown further on that an entrance *was* effected through this *'unfastened'* window, and 'not very strong' shutters.

"The waiter from the public-house spoke to the prisoner coming for assistance, and being 'very agitated' when in the warehouse. Two policemen and a police-inspector gave evidence as to the appearance of the premises, and especially as to the bunch of old keys which prisoner said 'the thieves had left.' One of the police 'could see that *somebody had been on the leads.*'

"Then came one of the two witnesses whose evidence proved so fatal to the prisoner. Mr. Cheese (the elder) deposed that he knew him as Mr. Good's porter—'I was going to church,' he said, 'with my young brother, and saw prisoner come out of the door No. 5. I passed by him so close that he stepped back to allow me to pass. This was about a minute before eleven o'clock. I did not speak to him. On the next morning I described the prisoner to Mr. Good and the officer: prisoner was called into the room, and I said, "That is the party." In answer to the Court: 'I did not notice his dress: there appeared to be something different.'

"The police-inspector being re-examined, said that Mr. Cheese *did not* give him a description of the person coming out of the door.

"R. Cheese, aged twelve, pointed out the prisoner among twenty persons in the warehouse. When he passed the door on the Sunday prisoner was in the street, holding the handle of the door; *his face was turned towards the street;* his arm was behind him, as if pulling the door after him.

"For the defence, it was deposed by a woman, in whose house the prisoner and his wife occupied the second floor, that from the room where she usually sat, she must have seen any person coming downstairs; and that the prisoner did not leave the house on the day in question until a little before one o'clock.

"On the cross-examination of this witness, she was asked many questions about a lodger on the third floor, whom the counsel for the prosecution was 'instructed' to call 'Jack the butcher;' by which *sobriquet,*

however, the witness did not know him. This third floor lodger, named Hollier, when called, swore that he rose on the Sunday morning referred to at 7·30, and was at home until seven in the evening. His room was over that of the prisoner, and he heard people walking and talking in that room all the morning. From the time he got up until about one o'clock, he believes the prisoner never left his room.

"Hollier's wife said that, hearing from the landlady that the prisoner's wife was unwell, she went down to their sitting room about eleven o'clock, and through the bedroom door, which was partly open, saw the prisoner shaving himself.

"Such was the character of the *alibi* on which Wilson depended for an acquittal. The witnesses to it being persons of the same humble rank as the prisoner himself, the learned counsel for the prosecution had little difficulty in persuading the jury to reject their testimony. The evidence of Hollier and his wife *might* have been of some value, had not the skilful advocate *prepared* the jury to disbelieve anything that could be said by a low fellow, called 'Jack the butcher;' and if 'Jack the butcher' was not entitled to any credit himself, neither could Jack's wife or landlady be entitled to any. Had Wilson's fellow-lodgers been persons of 'respectable' station, the jury might have given some credit to them; but, unfortunately, such was not the case, and, in the nature of things social, could not be. They were only obscure people who happened to live under the same roof with Wilson; and though they certainly were more likely to know what he was doing on that eventful Sunday morning than any one else, yet, *as* low, if not disreputable people, their evidence was discredited. It may occur to the reader, however, that if 'Jack the butcher' and his friends intended to commit perjury, they would have gone much further and sworn a little harder.

"The able judge summed up with a leaning towards the prisoner; but the jury, true to the impression so cleverly made upon them, rejected the evidence of 'Jack the butcher,' and his low acquaintance, and brought in a verdict of *Guilty*.—Judgment respited.

"A careful study of the *cons* and *pros* in Wilson's trial certainly did not lessen my opinion of his innocence. The only evidence of moment against him was that of his having been seen at one of the doors of the premises on the Sunday morning. That the Cheeses might have been mistaken in their belief on this point was probable, for an *alibi* was sworn to by

three witnesses as good as could by any possibility be produced under the circumstances. The sentence appears to have been respited in order that the prisoner, if guilty, might be induced to give some information calculated to lead to a recovery of the property stolen. In fact, Wilson stated to me that in the interval between his conviction and the passing of his sentence, he was twice called before the magistrate who committed him. The first time he was exhorted 'to relieve his mind' by declaring who the party was that he had let in to commit the robbery. 'I told them,' said the poor fellow, 'that as I knew nothing about the robbery, I had nothing to tell.' The second time 'the magistrate said that *he* knew something, especially about some half notes that had been stolen—they had been found upon a party who had gone to Ireland, and had been apprehended there for a burglary.' 'I replied,'—it is Wilson who speaks—'that I was very glad to hear it. Then I was questioned again about the robbery, but I said I could give no information as I was perfectly innocent. I was then told that the judge was going to pass a very severe sentence on me. I said if I had to go through those hardships, I hoped the Lord would support me.' And He did support the poor prisoner. I had to *extract* from this simple and unpretending man that, unlike the generality of his class, he had for many years led a religious life, and now, under his great and sudden affliction, a patient and humble spirit was given to him—a sure and certain confidence that in the end all would be well. In my prison ministry I have seen much, alas! to distress and harrow the feelings, but I never saw anything so touching as the quiet, uncomplaining demeanour of this innocent man. That he *was* innocent I became more and more assured; but nothing had transpired to warrant an application to the Home Office, and all I could do was to borrow a little of Wilson's reliance upon an All-wise Providence, who best knew when 'to bring the innocent out of trouble.'

"I must not omit to mention that, about three weeks after his trial, Wilson was sentenced—not by the able and merciful judge who tried him—to ten years' transportation.

"On a careful reperusal of the confession made by Naylor, I could not avoid the conclusion that it was substantially true. He described the mode of entry into the premises, the arrangements of the premises themselves, the drawers, desks, safes, &c. with a minuteness and fulness of detail, which gave to Mr. Good's opinion, that the confession was fabri-

cated, a character of prejudice, of reluctance to admit anything which might raise a doubt of Wilson's guilt.

"Most unexpectedly, opportunities for investigating the worth of Naylor's statement were placed within my reach about two months after Wilson's committal to our care. On arriving one morning at the scene of my labours, I found that, by order of the Home Office, nine more convicts from the metropolitan prison in which Wilson had been confined had been sent to us, and among the nine was the self-accused burglar Naylor! About 3,000 convicts were sentenced to transportation during the year in which these things took place. The probabilities against either Wilson or Naylor being placed with us were about sixty to one. The probabilities against our receiving *both* were 3,500 to one! Providence, however, orders probabilities; and thus it came to pass that these two men—one of them declaring himself guiltless of a crime for which, nevertheless, he was undergoing a heavy penalty, the other avowing himself the perpetrator of that same crime, yet unable to obtain belief in the truth of his avowal—are now brought together!—so strangely connected with each other by crime actual and crime imputed, yet, as I believed, completely unknown to each other by personal appearance—and each in utter ignorance of the other's proximity! But now came the important question, *were* they personally unknown to each other? If this point could be decided in the affirmative, and if it could also be established that Naylor was a principal in the robbery, Wilson's innocence would be almost demonstrated.

"In order to arrive at a safe conclusion with regard to the existence of any acquaintance between the men, a constant, but quiet watch was instantly placed upon them, so that not a glance from one to the other could pass unnoticed. For myself, I lost no time in putting Naylor through the examination which every prisoner undergoes when his case is entered into my '*character-book*.' After he had replied to the usual routine questions as to his former trade, earnings, degree of education, &c. I said to him, 'Your name sounds familiar to me; have I read anything about it in connexion with a robbery committed on Messrs. Willes, or Messrs. Lee and Co.?'

"'The robbery was at Messrs. Robinsons.'

"'Oh! yes; you voluntarily confessed it, and charged two or three other persons as accomplices?'

"'I did, sir.'

"'But, if I remember rightly, a clerk or warehouseman belonging to the firm was tried for the robbery and convicted?'

"'Yes, sir; his name was Wilson, and he was sentenced to ten years' transportation.'

"'Had he nothing to do with the affair?'

"'Nothing whatever, sir.'

"'Then, of course, since your confession, he has been set at liberty?'

"'I'm afraid not, sir; Wilson's prosecutor would not believe my statement.'

"'Do you know this man Wilson?'

"'I never saw the man to my knowledge; and he knows no more about the robbery than you do, sir.'

"'Why, if you are telling me the truth, this must be a sad thing for poor Wilson. Do you know what has become of him?'

"'I do not, sir.'

"'How can that be? for, as I now begin to remember, he was tried at the same court you were tried at, and would, therefore, be in the same prison you have just come from.'

"'He *may* have been in the same prison, but not while I was there, unless he was in the infirmary.'

"'Do you know anything about Wilson's trial?'

"'Yes; I read it over carefully in the newspapers. It happened about a month before I was apprehended. I told my companions that if anything happened to me I would try to get Wilson off.'

"'I begin to recollect reading the trial more clearly. Did not some of the witnesses swear to having seen Wilson on the premises some time on a Sunday, when the robbery was supposed to be effected?'

"'Yes, sir, two young gentlemen swore to seeing him; but they were mistaken.'

"'Was it you they saw?'

"'No, sir. If they saw anyone it was a man named Hollins or Nap—he has three or four names. He was set to watch and to '*give the office*' to me and another man inside. Hollins is a returned convict, and is about the same age (40) that Wilson was put down at in the account of his trial.'

"'Then you mean to assure me solemnly that you and two other men

were the only guilty parties to this robbery; and that the warehouseman Wilson is perfectly innocent of all participation in it, or knowledge of it?'

"'I do, sir. I am very sorry for the man, and would do anything in my power to get him off.'

"It may be thought that I was not very frank and open in my conversation with this young burglar, and that I concealed my knowledge of facts in a way which, under ordinary circumstances, would not be altogether justifiable. I plead, however, for the reticence I exercised, that my object was not to betray a man suspected of guilt into condemnatory admissions, but to elicit information which might help to clear an innocent one. If I had been candid and communicative with Naylor—had I given him to understand that Wilson was under the same roof as himself, I could not hope for so satisfactory a result of our observations as I should arrive at when assured that Naylor was entirely unconscious of Wilson's proximity.

"Naylor's manner during our interview, satisfied me that he was speaking what he believed to be the truth. A few weeks' careful watching of the two men would, however, settle the question as to previous acquaintance. In my own mind the question was soon settled. Three times a day the two men who were *encelled* in the same corridor, were let out to take exercise and attend the chapel service. On these occasions they saw each other, met, and touched each other, and might have exchanged intelligent glances, if nothing more—but it was perfectly clear to the many vigilant and experienced eyes watching them, that the men were, in every respect, perfect strangers to each other. I need not say that the singular relation in which they stood to each other was to me a subject full of interest. It sometimes happens in ordinary life, that we see persons brought into contact between whom there may exist a strange species of connexion, of which the parties themselves are unconscious, though a looker-on could startle them by revealing the, to them, hitherto unknown tie which connects them—more frequently painfully than agreeably. Thus I once met in society a girl and a young man, who conversed with each other in happy ignorance that a near relative of the girl had fallen in a duel by the hand of the young man's father. And here, sitting in close proximity on the same bench in the prison chapel, were the innocent and the guilty; the former undergoing the penalty for one of the latter's numerous and daring crimes—and both profoundly unconscious of the actual position in which they stood to each other.

"Naylor's offences, as he afterwards related to me in detail, had been numerous and daring almost beyond belief; and yet he was, at this time, scarcely nineteen years old. His countenance and manner were rather prepossessing. He had a good head, well-formed features, clear dark eyes, a fresh complexion, and a figure, a little above the middle height, betokening much strength and activity. Utterly destitute, as he appeared to be, of all moral sense, he nevertheless showed, inconsistent as it may seem, a great desire to adhere to the exact truth in any disclosures which he chose to make; not only in respect to the transaction which had involved poor Wilson in such dire misfortune, but in respect to a history of his whole career, which he wrote to the extent of nearly 200 closely written foolscap pages. In answering my inquiries, this natural tendency to truth was very perceptible. Had he been inventing a story, or even indulging a spirit of exaggeration, he would have answered many of my leading questions in accordance with what he must have perceived to be my prepossessions. But there was, on all occasions, a total absence of careless or complaisant assent to suggestive inquiries. Some inquiries he declined to answer at all. In order to test his veracity, I selected from his general narrative an account of a transaction which seemed of a very improbable character, one which, at least, had been greatly embellished—and required that he should furnish me with the means of ascertaining the truth or otherwise of the statement. He at once complied, and named an inspector of police at ——, near London, as being cognizant of the particulars of the circumstance he had narrated. I wrote to the inspector accordingly, and in a few days received from him a full confirmation of all that Naylor had written.

"Well assured in my own mind, therefore, that Naylor was a principal in the robbery at Messrs. Robinson's, and relying on his disposition to tell the truth about it, as far as he was concerned, I desired him to give me a circumstantial history of the affair, in writing. This he willingly did; and his story was to the following effect.

"Having on two occasions examined the back part of Messrs. Robinson's premises, he arranged a plan of operations with two associates, one of them the returned transport, Hollins, or 'Nap;' the other, a young fellow named Rowell, who professed to 'know all about the place inside;' being, in fact, the stepson of a very respectable man in Messrs. Robinson's employ. Early on a Sunday morning, late in the autumn, the three men

met in the court behind the premises in question; Naylor and Rowell were to effect an entrance, and Nap was to keep watch outside, and 'give the office,'—*i.e.* warning of danger should any arise, or notice that the coast was clear, when the more active burglars were ready to leave the warehouse. Into the warehouse Naylor led the way. Some empty casks lying near an iron-railing enabled him to get over the latter very easily; he then scrambled over a *cheveux-de-frise* and gained a 'lead-flat,' in which were two skylights. Through these he attempted to gain an entrance, but a strong iron bar defeated his attempt. He then turned his attention to the windows, which were on a level with him as he stood upon the lead-flats, and, singularly enough, he found that the first he tried was so far unsecured as to allow him to throw up the lower sash, and to insert his hands between the shutters. 'I then,' he writes, 'caught hold of the shutters, one in each hand, *sprung them backwards and forwards, until, at last, they came open with a crash, as if by the falling of an iron bar inside.* By this time Rowell was on the leads. We both got inside, and I shut down the window and closed the shutters. We then came down-stairs to the ground floor and commenced opening the desks and drawers. Some we broke open, and some I opened with instruments. The last drawer I came to had *two* locks upon it, one of them a Bramah; determined to get into this I broke it open, and pulling it out quickly it fell to the ground, and a safe key fell out of it. Down-stairs we found the safe which the key opened.' Then follows an inventory of the spoil, consisting of notes, cash, silver plate, &c. "We put all into a blue bag; I then washed myself and brushed my clothes; then we went down to the street door and waited for "Nap" to come with "the office." After waiting some time I sent Rowell to see if he could find him. Rowell soon returned and gave me "the office," so I came out with the bag on my back. It was then a few minutes short of half-past 10.'

"After lodging the plunder in a place of safety, the successful thieves went to Nap's house, and learned from his wife that he had been to breakfast, *but had gone back; Rowell was therefore sent to fetch him.* It appeared, then, that Nap had quitted his post to get his breakfast; after which he resumed his watch, unaware that, during his absence, his accomplices had 'finished the job,' and effected their retreat. Nap, therefore, was probably near the door through which Naylor and Rowell came out—the same door which, in the evening, poor Wilson found open,—*some*

time after 10.30; and, as will be shown by and bye, there can be little doubt that Nap was the man seen at that unfortunate door, a little before 11, and hastily mistaken for Wilson by the two witnesses Cheese.

"Supposing Naylor's statement to be substantially true—and it was so full of minute particulars as to the robbery, and so accurate in its description of the premises (as I ascertained by comparing his account of them with Wilson's), that no impartial judgment could hesitate to receive it as true,—it would be an important addition to the well-ascertained fact that he and Wilson were unknown to each other—an important addition to the evidence for the latter's innocence. But I was, by this time, sensible that Mr. Good's first suspicion of Wilson's guilt had ripened into a determination to resist every suggestion or fact that could tend to throw a doubt upon it. Nevertheless, it was desirable that, if possible, his determination should be shaken. With but faint hopes of gaining anything by the step, I therefore wrote to him again, acquainting him with the arrival of Naylor, and of my conviction that he and Wilson were strangers to each other; suggesting also that farther inquiries should be made with a view to ascertain whether Naylor was, or was not, concerned in the robbery. Mr. Good's reply to my letter showed that his opinion with regard to Naylor had been greatly changed, though, as I feared would be the case, not at all with regard to Wilson. 'Your impression,' he wrote, 'that Naylor and Wilson are strangers, simply confirms the impression that the authorities here have all along entertained. It is supposed that the robbery was a 'put up' one, and that, in all human probability, Wilson never saw any of the parties concerned, but simply gave them the means of admission, trusting to their honour for a portion of the plunder, of which it appears he had a very small share.' Then, after urging the positive testimony of the two witnesses, as to Wilson having been seen on the spot at 11 on the Sunday morning, Mr. Good proceeds, 'I have no doubt that Naylor was one of the party; I have cross-questioned him several times, and his evident knowledge of the premises shows that he must have been there.' Mr. Good's admission that Naylor *was* one of the party, was a slight advance towards the exoneration of Wilson—and but a slight one—as he still assumed his complicity in the robbery. His (Mr. Good's) hypothesis, now, was that Naylor and others had been the active robbers; and that Wilson, cautiously avoiding all direct intercourse with them, had nevertheless contrived by means of some go-between to

make arrangements for their entrance into the premises. But if Naylor told the truth in saying that he had to scramble over iron-railings and iron-spikes, and then force his way through an upper window—a window, as he described to me, commanded by five or six windows of an adjoining house, in order to get into the warehouse, Mr. Good's hypothesis had but little foundation. Premises which had numerous doors and windows on the ground-floor would have furnished easy means of carrying out a 'put up' plan of robbery, and some such means would certainly have been resorted to, had the porter or warehouseman in charge of all windows and doors, betrayed his trust. For myself, I felt assured that Naylor's account was a true one; and it was certainly confirmed by what was elicited on the trial about the forced window, the fallen bar, and the foot-marks on the leads seen by one of the policemen. It would be well, however, to obtain further confirmation of Naylor's statement; and if that could be done to a sufficient extent, belief in Wilson's innocence would be greatly increased. Indeed, it would be very strange, if, after demonstrating that Wilson and the chief burglar were perfect strangers to each other, and that the robbery had been effected by violent means, and at great risk to the perpetrators, anyone could be found to resist the force of such facts, and deny Wilson's innocence.

"It will be remembered that there came with Naylor, from the metropolitan prison, eight other convicts with whom he had been associated for some weeks, and to whom, in all probability, he had narrated many of the bold exploits in which he had been engaged. The telling and hearing of such things is the demoralizing and almost sole pastime with which congregated prisoners occupy their abundant leisure; and Naylor had tales to tell well calculated to win the attention of his audience.

"The strict non-intercourse to which these men were subjected from the moment of their arrival with us—whatever good or ill effect it might have in some respects—had at least this advantage, that, if the men were questioned separately on circumstances supposed to be known to all of them, the possibility of their concocting a common story was altogether precluded. When visiting these convicts, therefore, in their separate cells, I took occasion to inquire about Naylor and his general character, and, after a time—without intimating my object in doing so—to question them as to what they remembered of his account of the robbery at

Messrs. Robinson's. Only one of Naylor's prison companions had forgotten his story; but all of the remaining seven remembered it more or less particularly, and each of them, therefore, was directed to put what he remembered into writing. On comparing the different statements thus independently made, there appeared such a manifest agreement among them on all essential points, as could only result from each writer having done his best to put down the truth.

"It is proper to notice, here, that these metropolitan convicts were of a very different class to our own provincial offenders. The latter generally consist of grossly ignorant men who have been stimulated to crime by drink; the former had once belonged to a comparatively respectable order of society, but had been betrayed into dishonesty by excessive addiction to the pleasures and excitements of London. One of them had been a banker's clerk, ruined by betting offices; another had been in the employment of a civil engineer; a third had squandered a small patrimony in the pursuit of vicious pleasures; all of them could write tolerably, and express themselves with sufficient clearness.

"Journal, 21st March, 1853.

"I transmitted to the Hon. Mr. Fitzroy, of the Home Office, a statement of Wilson's case, together with all the necessary documents for elucidating the question of the man's guilt or innocence.

"11th June.

"I find I have omitted to note the unsatisfactory result of my application to the Home Office in favour of poor Wilson. 'After a careful review of all the facts, and a reference to the learned judge before whom the case was tried, his Lordship (———) can see no ground to justify him in assuming that the verdict was wrong, or in advising the remission of any portion of the prisoner's sentence.' Nevertheless it is impossible to believe that, had the fresh facts which have come to light since Wilson's conviction, been brought before the jury on the trial, anything but an instant acquittal would have taken place. It would seem to be a principle of English law, as illustrated in Wilson's case, that though the slightest *doubt of guilt* may save an accused party from conviction, scarcely any amount of *evidence of innocence after* conviction can avail in the convict's favour.

"1st to 8th July.

"During my stay in London I took occasion to 'agitate' in John Wilson's case. Through the kindness of Captain O'Brien I obtained an interview with the Under-Secretary, Mr. Waddington, who still retains his opinion that nothing has come to light calculated to induce a belief in Wilson's innocence! Afterwards I was admitted to a *hospitable* interview with Baron ——, who tried Wilson's case. He stated that he was inclined, at the trial, to regard the *alibi* set up for Wilson as a true one; and intimated his opinion that the poor man's conviction had arisen probably from a mistake as to identity; Nap, one of the burglars, having been mistaken for Wilson, the two men being about the same age, similar in height, general figure, and in *dress*. The day after my interview with Baron ——, I obtained one, in the new city prison at Holloway, with Rowell, the young man who, with Nap, was charged by Naylor with participating in the robbery. Rowell had always asserted (to Mr. Cohen, the chaplain at Holloway), that Wilson was entirely innocent; although (no doubt for fear of compromising himself and risking future prosecution) he denied having anything to do with the robbery himself. During my interview with him, he repeated his declaration as to Wilson's innocence, and appeared perplexed between his desire to be of use to the innocent man and his fear of involving himself in trouble by any confession he might make. Notwithstanding his reserve and caution, however, he admitted quite enough to establish Wilson's innocence, to authorize an opinion of his own guilt, and at the same time to show the extreme probability that Nap was the man seen by the Messrs. Cheese at Messrs. Robinson's door, and mistaken by them for Wilson. At the close of my conversation with Rowell he promised to put into writing some portion of the statement which he had made verbally; and Mr. Cohen, who has taken a most kind and active interest in this matter, undertook to forward the paper to me.

"11th July.

"Yesterday I received from Mr. Cohen, Rowell's written statement, of which the following is a copy:—'On the morning of the robbery at Messrs. Robinson's, between half-past ten and eleven o'clock, Naylor came to me, and told me he had just committed a burglary at Robinson's, and that he had come away without Nap, a man who was waiting outside for him, and asked me to go and fetch him away, which I did. When

Naylor heard that Wilson was charged with being concerned in it, he told me that he (Wilson) knew nothing about it; and afterwards when he (Wilson) was convicted, he said that if ever he himself got into trouble, he would try and extricate Wilson.'

"19th July.

"I wrote to Baron ——, transmitting to him the *original* paper of Rowell, and also Mr. Cohen's explanatory letter. I cannot conceive anything more conclusive (in a case of this kind), towards the establishment of the innocence of an accused person, than the declaration of Rowell in Wilson's favour! Rowell being, it should be remembered, an unwilling witness.

"23rd July.

"Naylor continues to take all the means in his power to establish Wilson's innocence. The young man shows many good natural qualities, which, under better training and less temptation, might have made him a useful and creditable character.

"2nd September.

"I wrote to Baron ——, referring him to my former letter of 19th July, and submitting to him some little further matter for consideration in regard to the innocent man Wilson.

"8th September.

"I received a letter from Baron ——, of which the following is a copy:—'I regret to say that I can give you no hopes as to Wilson. I did not neglect his case, but went down to see the spot where the robbery was committed, and made a report to the Home Office. The case, as you know, turns entirely on the identity. If he was the man who came out of the warehouse on the Sunday morning, no doubt he is guilty. His case now is, and always was, that this is a right conclusion, but that the premises are incorrect. I have always had a great distrust of the proof of personal identity, unless where there has been previous knowledge of the person, and some conversation, intercourse, or act done by the person identified to the person identifying. Here the previous knowledge did exist, but there was nothing of the second qualification to my proposition. And the fact of the previous knowledge, and of the prisoner's not unusually

coming out of the warehouse, might induce the witnesses more readily to *conclude*, without much observation or care, that the man whom they saw coming out was the prisoner, because he was doing what they had seen the prisoner do before on other days. What surprised them was, that it should be done on a Sunday.

"'All this I stated to the Home Office, and desired that inquiries should be made as to the person, whom you *last* suggested as being the real man, being somewhat of the age and size of the prisoner. We agreed that Naylor was not like him, nor, probably, to be taken for him.

"'I have received in answer the intimation that Lord ——— does not see reason to interfere. I suppose the last inquiries have not turned out well for Wilson.

"'My own impression is with you. If it rested with me, I should recommend a remission of the sentence; but it is not with me, and I cannot, it seems, convey my impressions so as to satisfy those with whom it now rests, and I cannot but admit they have much reason on their side.'

"17th October.

"Since my last notice of John Wilson's case, it has made very favourable progress, owing to the kind and powerful interest taken in it by John A. Smith, Esq. M.P. for Chichester. This gentleman, on the occasion of a visit paid to us about a month ago, saw both Wilson and Naylor; and, immediately on his return to town, engaged himself in the investigation of the affair with an activity and *success* for which all parties ought to be grateful. The result has been that Rowell, now in the Holloway prison, and one of the three parties to the robbery, has made a full confession of his guilt to the prosecutor, at the same time fully exonerating the poor man Wilson. This confession, however, though made as far back as the 5th instant, has not yet had the effect, which might have been expected to be immediate, of procuring Wilson's liberation! The poor man's *innocence* is now demonstrated as far as the nature of the circumstances can admit, but instead of receiving the justice due to him—tardy as it is—he is now entering *on the twelfth month* of his imprisonment!

"10th December.

"Mr. John A. Smith continues most kindly to interest himself in

Wilson's case; but owing no doubt to the pressure of business in the Home Office, *justice* to this unfortunate, if not ill-used man, is still delayed.

"3rd January, 1854.

"Sixteen Government convicts were to-day forwarded to the *hulks at Woolwich!* . . . . Among them is Wilson, the ill-used, but most excellent man, whose innocence of the crime imputed to him has been demonstrated, though it fails to obtain the necessary recognition from the Home Office! I wrote to the excellent Chaplain of the '*Warrior*,' the Rev. J. K. Marsh, giving him my impressions of the characters of the several convicts, and putting him into possession of Wilson's case.

"30th January to 2nd February.

"In London—partly to attend a meeting of the Committee on Reformatory Schools for juvenile delinquents—and partly to urge, as far as I could, the favourable decision of the Home Office in the case of John Wilson. This unfortunate man, whose innocence, I repeat, is capable of the fullest moral proof, has now been subjected to more than fifteen months' imprisonment: his case has been before the 'authorities' since last March, the judge who tried him has recommended him to the Secretary of State as a man suffering from a grave mistake as to identity, but the poor victim of mistake and prejudice still lies in the hulks, the associate of the most abandoned of our criminals. When in town, I learned from Mr. J. A. Smith and also from Mr. Under-Secretary Waddington, that 'the case' was before Lord ———, and that it would be decided in a few days.

"I took occasion when in London also to obtain an interview with Wilson's late employers and prosecutors. I found them still persuaded of his guilt, rejecting every consideration which should attach to Naylor's and Rowell's full confession of their own guilt, and their equally full affirmation of Wilson's innocence, and relying on the statement of some unnamed scoundrel, who has led them to believe that he was present at a division of the plunder obtained from their premises, and that he 'saw' Wilson receive *three sovereigns* as his share of it! These gentlemen, while they profess to believe this worthless story, admit, at the same time, their belief that Wilson and Naylor were unknown to each other personally!

To Miss Carpenter.

"20th March, 1854.

". . . . It is often disheartening to have one's humble endeavours dependent upon *routinists* and *red-tapists*. You remember my speaking to you of an innocent convict. That man's innocence—and not merely his innocence of an imputed crime, but his excellent Christian character—has been demonstrated: a couple of my friends in Parliament have backed my representations with decision and perseverance, but all in vain: the poor man lies in the *Warrior Hulk* at Woolwich, in the sixteenth month of a most unjust imprisonment, because Lord ——— has not been quite pleased (as I understand) with the way in which the poor man's cause has been pressed on his attention.

"But our Heavenly Father *does* order all things for the best, and humbly, but deeply, persuaded of that truth, I wait the issue."

"Journal, 9th May.

"I received a letter from John Wilson, conveying the good news of his discharge from the hulks at Woolwich, on Saturday last, with a '*ticket of leave*.' The ticket of leave is by no means the document with which Wilson should have been furnished on his liberation. Justice required that he should have received a certificate of complete *innocence*; and it is certainly very hard that this excellent man, after having been so long the victim of misapprehension, should still have clinging to him the stigma of guilt!"

CHAPTER VIII.

THE CAUSES AND PREVENTIVES OF CRIME.

THOUGH the subject of prison-discipline has filled by far the greater part of this volume, yet in Mr. Clay's thoughts and labours it occupied quite a secondary place. The causes that produced, and the means to prevent, crime, formed, he saw, an immeasurably more important study than even the elaboration of a system for its repression and cure.

In common with most practical philanthropists, he considered that almost all crime was traceable to three closely linked causes, drunkenness, ignorance, and the habit of living in filthy, overcrowded dwellings. But he maintained that these, in their turn, were due, in a great measure, to the want of sympathy and intercourse between the upper and lower classes.

To ascertain and to make known the true nature and extent of these three evils, he always regarded, from the earliest years of his chaplaincy, as his especial mission. "No adequate remedies," he used to say, "will ever be applied to this terrible state of things, till people are made thoroughly to know and believe how terrible it is." His hopes for the future rested almost entirely upon the possibility of rousing, not merely a few here and there, but the general public, to a knowledge of the true state of the country. He always deprecated most earnestly any resort to partial, palliative measures, for fear the nation should rest contented with "having done something," before one-hundredth part of the evil was subdued. He was, moreover, buoyed up with the belief, that "when once the magnitude of the work to be done was fully comprehended, we should no longer have to wait for conformity and non-conformity to square the circle of their difference." "There would be an end then," he used to say, "of all religious and irreligious differences of

opinion." He took, in fact, precisely the same view concerning the best way of stirring up a national crusade against vice and crime as Dr. Arnold did; but long before Arnold "tried to form a Society, the object of which should be to collect information as to every point in the condition of the poor throughout the kingdom, and to call public attention to it by every possible means,"[1] he was devoting, single-handed, the best of his time and energies to the accomplishment of the work.

On another subject, too, there was an entire agreement of opinion between him and Dr. Arnold. Almost at the very time that the latter was declaring, "it fills me with astonishment to see anti-slavery and missionary societies so busy with the ends of the earth, and yet all the worst evils of slavery and heathenism are existing amongst ourselves," Mr. Clay was writing in one of his reports, "If a people such as I have described, so ignorant, so degraded, exposed to the most demoralizing influences, but abundantly capable of mental and religious good, were believed to exist in some distant island of the Pacific, our missionaries would be poured upon their shores, and gold, without stint, would be spent in the effort to Christianize them. Why are our own *home heathens* so long overlooked? Are they less 'benighted' than those of 'India's coral strand'? No! their darkness is the more intense from its close contrast with the light. Are their numbers too insignificant? In this country alone there are nearly a million of them."

Drunkenness is the main topic of his first and of almost every subsequent report. For some years it was only the old-fashioned drunkenness of the public-houses which he had to describe; but after the passing of the Beer Bill in 1830, and the consequent springing up of an enormous crop of beer-shops, his fear of the "great national sin" turned almost to consternation.[2] From that time to the end of his life there was no subject which so constantly occupied his thoughts. It was the burden of his

[1] Stanley's "Life of Arnold," Letter ccxxii.

[2] He at once began to note the effects of the bill in his journal. For instance: April 7, 1831. "The chaplain feels assured that the establishment of the cheap beer-shops has created an additional temptation to drunkenness, which the lower classes have not yet learned to resist. The father of —— assured me, that his son had been as regular and praiseworthy in his conduct as a parent

warnings one Sunday in four in the prison chapel; on the very rare occasions when he consented to preach before an ordinary congregation, it was almost sure to form one topic of his sermon; and though he had tact enough not to weary others with his own speciality, he seldom let an opportunity pass for bringing it under discussion in general society. About the time of the passing of the Beer Act, he became a member and active promoter of the "Preston Temperance Society," one of the first societies of the kind started in England. When, however, temperance developed into teetotalism, he was one of those that held back. He never became a convert to the principles of the extreme teetotalers. That total abstinence was the only hope for a confirmed drunkard he fully allowed, and he himself induced, probably, many hundreds such to take the pledge. But he was never convinced of the wisdom, or even of the lawfulness, of taking, or imposing vows, by way of safeguard; nor would he ever acknowledge the truth of the teetotalers' doctrine, that a man has no right to call on another to take the pledge, and no chance of pleading effectually with a drunkard, unless he is a total abstainer himself.[1] His asthma rendered all "alcoholic liquors" little better than poison to him, and he commonly never tasted them from year's end to year's end. He might, therefore, have used the teetotal argument at a cheap rate, if he had thought it sound; still he never made the appeal, supposed to be talismanic, "Become one of *us*," either in the chapel or in the cell, incessantly as he inculcated the necessity for utterly abandoning all drinking habits. He also disappointed some of his friends by his lukewarmness in favour of the legislative measures by which they schemed to repress drunkenness. "A Maine Liquor Law," pure and simple, he always regarded as

could wish, until the opening of a cheap beer-shop in their neighbourhood, when the young man at once plunged into intoxication, and was not checked till he had committed the felony with which he is now charged."

[1] It has *now* been so often asserted in teetotal tracts, and on teetotal platforms, that a man, before he preaches temperance, must prove his sincerity by taking the pledge, that the drunkards themselves have accepted the dogma, and are quite ready to retort on any mentor who is not a teetotaler, "Why, you drink yourself." The teetotalers (whose zeal and self-denial none can reverence more thoroughly than this editor does) should remember that they are thu hampering all fellow-workers who are not of their own communion.

wholly impracticable; and a single paragraph in one of his reports, half-a-dozen sentences in a public speech, and a semi-private letter which was diligently printed and circulated, seem to have constituted all the advocacy he ever gave to the mitigated version of the law, commonly called the "Permissive Bill."[1] In the last few years of his life, however, he was more inclined to support measures of this kind, because their promoters were the only organized party in the country who were making any effort to bring legislation to bear on the control of the liquor traffic. Still he never threw himself into the cause of the Alliance (as the Society formed to agitate for the Permissive Bill is styled) with that heartiness and energy which always marked his conduct when his mind was fully made up on any question. He believed, in fact, that an evil so vast as English drunkenness was not to be crushed by repressive legislation. His opinion seems to have been simply this; that it was the duty of Parliament to abandon all patronage of the liquor-trade for the sake of revenue, and to place it under such restrictions as would leave the legitimate consumption unchecked, while it prevented the drink-sellers from thriving on the vices of the people. For instance, he believed that a vigorous enforcement of a law for the early closing of all liquor-shops would alone diminish the evil, almost as far as legislation could.[2] In every attempt that was made by Parliament to check drunkenness, he took a keen and active interest; and during the last ten years of his life, there was hardly a debate on any subject connected with the drink trade for which he had not stocked one or more of the speakers with facts and arguments. Still he was fully convinced that there was no nostrum, parliamentary or other, which would

[1] The Maine Liquor Law would totally suppress all traffic in intoxicating liquors: the Permissive Bill would empower the temperance advocates to prohibit the sale in any district in which they formed a considerable majority.

[2] In his evidence before a Committee of the House of Commons in 1852, he proposed the following practical checks to drunkenness, besides early closing:—Entirely to close all public and beer houses on the Sunday: to prohibit theatrical entertainments, concerts, and all kinds of amusements in places licensed to sell drink: to disqualify all persons who employ, or who have control over workpeople, for holding licences: to suppress the practice of paying wages at public-houses: to render *all* retail drink debts irrecoverable: to forbid publicans taking workmen's tools, clothing, &c.—in fact, anything but money, in payment.

cure the vice; and that it would only be subdued by the gradual advance of education. "To deprive the people," was his constant saying, "of their chief means of animal gratification, while they are still incapable of any gratification which is not animal, would be a dangerous experiment. They drink because they are ignorant. Educate them, and they will abandon the vice of their own accord."

With regard to education, he bent his efforts from first to last to the accomplishment of a double object—to rouse the public to believe (1) how few were educated at all, and (2) how worthless was the education which a majority even of those few received. A description which he gave of the heathen darkness of the prisoners in Preston Gaol in the year 1836, was almost the first morsel of definite fact-proof adduced in the midst of a cloud of vague general assertions, of the ignorance of the lower classes;[1] the frequency with which the description was quoted during the next few years proved its importance. He did more than almost any of the early educationalists to prove the necessity for trained teachers in national schools who would enlighten the wits of their scholars, as well as set their tongues to read, and their fingers to write, mechanically. He was also one of the first to maintain that the dreary, irksome "parrotings of the Catechism," and the like, which often, especially in the case of boys, form the sum-total of Sunday-school teaching, together with the compulsory attendance at church, were commonly productive of more harm than good by the ineradicable distaste for religious instruction and public worship which they produced. The truth of his opinions would now be widely acknowledged; but when he first published his strictures, and the ruthless statistics on which they were based, he incurred no little odium.

His attention was first strongly drawn to the third great cause of crime, the miserable condition of the dwellings of the poor, in 1842—the year in which the Sanitary Commission was appointed.

[1] He was not the first to test the educational status of the "lower classes" by the sample in a prison. Mr. Brown, chaplain of the Norwich Gaol, had published a fragment of prison education statistics two or three years before; and twenty years earlier still, Sir R. Phillips (see p. 78) had tried to demonstrate the ignorance of the London poor by *data* gathered at Newgate.

The Mayor of Preston, like many others, was then called on by the Home Secretary (Sir James Graham), to assist the commissioners in collecting information; and to comply with the request he appointed a committee, of which Mr. Clay was a member. It generally happened that when he joined a committee the lion's share of the work fell to him, and it was so in this instance. From many of his fellow-committeemen he received some desultory assistance, and from one of their number, his old friend Mr. Samuel Cartwright, very valuable help; but the careful and elaborate "Report on the Sanitary State of Preston"—the result of many months' hard labour—which eventually appeared, was almost entirely his work. Like all his reports, it is a full, lucid epitome of the subject, compressed into the smallest compass. It attracted great attention at the time, and for two or three years was a standard work of reference on "Public Health." The Sanitary Commission reprinted it in three or four different forms, to give it a wide circulation. It was one of the first reports of the kind published, and it became the model for many issued at a later date. Some of the ingenious diagrams with which his pamphlet was illustrated, were plagiarised so frequently that they became stereotyped forms for general use.

During the preparation of the report he discovered how wide spread was the pernicious influence of burial societies. Two years before, the celebrated "Stockport murders" had stirred up a great outcry against these societies throughout the country; and in his report on "Intramural Interments," then just published, Mr. Edwin Chadwick had vehemently attacked them. Mr. Clay, in his researches into the causes of premature mortality in Preston, gradually became convinced "that in hundreds of thousands of instances the prospect of 'burial money' created direct and powerful inducements to parental neglect and cruelty;" and from that time to the end of his life he maintained a chronic attack upon the "Death Clubs." More than once he succeeded in stirring up popular animosity against them. In the autumn of 1848, the "Essex poisonings" occasioned an outbreak of indignation and alarm, which, however, was allayed by a letter from Mr. Tidd Pratt, published in the *Times*, replete with the usual official optimism. Mr. Clay, by a letter printed in the

same paper in January, 1849, revived the panic for a short time, but to no purpose. In 1853, there were fresh burial club murders and fresh clamours; and in the hope of giving direction and effect to the popular outcry before it again subsided, he hastily prepared and published a pamphlet which at first seemed likely to accomplish his purpose. It was reviewed in most of the public prints, and helped to keep the subject under discussion for some months. A House of Commons committee, as it happened, sat the following year to investigate the law about friendly societies generally, and the opportunity was used for gathering evidence concerning the burial clubs. Mr. Clay was one of the witnesses called, but he was bitterly disappointed at the incredulity displayed by the committee. "They'll do nothing," he said to one of his sons, as he walked away from the committee room; "the pothouses back the clubs, and I have long ceased to hope for anything from M.P.s when the pothouse interest has to be meddled with: they daren't offend the publicans, and so risk the loss of their seats. They'll slur the matter over, you'll see, in their report." Which accordingly they did, and the societies for the promotion of infanticide are in full operation to the present hour.

The subjoined extracts from his reports and correspondence have been selected, not so much with a view to the information they contain, as to illustrate his opinions and character. The statistics and facts which he gathered so laboriously, and which in their day were so novel and important, have long since done their work and lost most of their value. Similar information, which in his time was so difficult to procure, can now be supplied by wholesale; besides, almost all that he wrote concerning education, drunkenness, and kindred subjects, has, unlike his scattered contributions to the controversies on prison-discipline, often been republished.[1]

[1] The following is a list of the chief republications of his reports and pamphlets:—

Report on the State of Preston. William Clowes and Sons. 1844.

Burial Clubs and Infanticide in England. 1853. Simpkin, Marshall, and Co.

Effect of Good and Bad Times on Committals to Prison. Statistical Society. 1854. (Also reprinted in Mr. Hill's "Repression of Crime.")

Second paper on the same subject. Do. 1857.

On the Relation between Crime, Popular Instruction, Attendance on Religious Worship and Beer-houses. Do. 1857.

From Report for 1834.

"Amidst the dreadful evils produced by the passion for intoxicating liquor, it is, however, gratifying to observe, that a power has been called into action which seems capable of encountering successfully this monstrous disgrace to a country and a people professing Christianity. Temperance Societies, which originated in the United States, have, within these few years, become general in this country; and in alluding to that established in Preston, I write with circumspection, and advisedly, when I state my belief, that no Society instituted for the good of the operative classes has, within the same period, produced such cheering and undoubted evidence of its value. I know no institution which has worked so great an amount of unalloyed good—none which, with such apparently humble means, has brought about such wonderful changes for the better—carrying peace into households from which habitual intoxication had long banished it; competence and comfort where poverty and wretchedness seemed irrevocably fixed; and converting the ignorant and drunken infidel into a serious and sober Christian. . . . That its influence has tended to diminish, already, the influx into this Gaol will, I trust, be evident from the following statement of felonies, charged against residents in Preston during the last eight years. [A table is here given, showing the decrease of felony in Preston.] In commenting upon the above statement, I would advert to the fact, that the increase in 1831, when the Preston cases formed one third of the whole calendar, is coincident with the first results of the Beer Act, passed in October, 1830, and the subsequent decrease, with the operation of the Temperance Society, instituted in March, 1832; the offences committed by residents in Preston being reduced now to one-seventh of the whole number. Under these circumstances, and with a tolerable acquaintance with the particular results produced by the Temperance Society in other respects, I cannot for a moment hesitate to attribute the recent diminution of criminal offences in Preston to the beneficial influence which it has acquired among the working classes of the town."

From Report for 1839.

"In former times, and in other conditions of society, infidelity has

existed to a greater extent among the upper than among the lower ranks:—I fear the fact is now reversed. Irreligious tracts are actively and widely circulated in quarters which no counteracting influence at present reaches. The arguments in these pernicious publications are cunningly adapted to the capacities of those whom they are intended to corrupt; and false statements of suffering, false assertions of rights, are worked up into powerful and wicked appeals to passion and cupidity. The self-satisfaction of the illiterate reader is gratified when he finds that he can comprehend the reasoning submitted to him; and his dangerous sentiments are strengthened by the authority of writers whose words only express more clearly opinions for which he had been prepared, or which, perhaps, he had himself already more indistinctly formed.

"I know not how it may be when these proselytes of unbelief are brought into contact with other ministers of religion, but, with one exception, prisoners known to entertain these opinions have always disavowed them to me, when directly questioned; the evil eludes your sight when you would search for it and remove it;—like a certain injurious caterpillar, which, when approached, appears to be nothing more than a motionless and harmless part of the very branch which it is destroying.

"The man who formed the exception I speak of—a spinner—could read, though not with fluency; he showed a great familiarity with the superficial objections to Revelation; asserted that men and their actions are entirely directed by self-ordained 'circumstances;' admitted the fatalism involved in this opinion; and smiled with immovable self-complacency when I endeavoured to show him that he was investing these *circumstances* with wisdom and power. He took credit to himself for the openness with which he declared his sentiments, gave me a promise that he would not discuss them with his fellow-prisoners, and broke it immediately.[1] This man, of naturally quick mind and self-sufficient disposition, who had never felt the benefit of a sound religious training, is one of those who have been reasoned into *positive* infidelity. But his class is by no

[1] "I had several interviews with this disciple of Robert Owen. In one of them he said—and I think it deserves attention—'I was taken regularly to church when I was a child; but I was often *so cold and starved* that I acquired a *distaste* for the place.' May I say that there are other things, apparently unimportant, but, in reality, calculated to produce a prejudicial effect upon a child—the loud and frequent raps from the monitors' canes—so unseemly in the house of God, and so distressing to the thoughtful members of a congregation, are likely to create, in the Sunday-school child, permanent and insurmountable '*distaste.*'"

means so numerous as one in which unbelief exists, as it were, *negatively*. People of this kind—and how many thousands are there in these thickly peopled districts!—have been born and bred in spiritual darkness. Their irreligious state arises from neglect of the means of grace, rather than from any active dissemination among them of bad principles. It is not infidelity, in fact, but ignorance: they do not believe, because they never hear the preacher. Places of worship have been before their eyes from infancy, and the Holy Sabbath has been, even to them, a day distinguished from others; yet scarcely is their curiosity excited to inquire into the purpose for which either the one or the other is set apart. They 'suppose' that people go to church 'to hear goodness,' but they appear to consider that they, as poor people, are not required to hear it. If pressed to account for their non-attendance upon the duties of the Sabbath, they plead, it is well known, want of good clothing; and too often it has been said to me, by those who formerly may have cultivated better habits, 'I used to go to church, but I have never been there since my troubles came upon me.' It is sad to think that the children of misfortune or poverty should desert the house of God at the very time when they stand most in need of the support and comfort which He alone can give! But so it is; and it would appear that wretchedness and poverty, arising from whatever cause they may, are usually attended by neglect of religious duties, and absence of religious feeling. On the other hand, the orderly and thoughtful habits which produce earthly competence and quiet have a manifest tendency towards care for the soul. To my mind there are few sights more melancholy than that presented by men, young and middle-aged—idling about the streets, on the Sabbath day, *in their working dress;* and manifesting, in this single circumstance, want of self-respect, contempt for the good opinion of society, and total disregard to the obligations of religion. It is scarcely going too far to say, that the Sunday dress of the artizan or labourer furnishes some indication of his religious state. Attendance upon divine worship, among the labouring population, stands in very near connexion with a good suit of clothes; and there are few things which have more encouraged me in my efforts for the spiritual good of those placed under my charge than the sight of a liberated prisoner in clean and becoming Sunday apparel.[1] . . . .

[1] If, on the one hand, the pernicious principles of unbelief are making progress, on the other a sad amount of fanaticism has sprung up in the shape of a

". . . . I have found more difficulty with those who have been altogether untaught, than with those who have been, in some measure, instructed. Occasions have occurred when I have been unable to impart, to a sick or dying prisoner, the great but simple conditions of the Covenant of Mercy in language adapted to his comprehension. I could easily rouse superstitious confidence, when it appeared beyond my power to awaken Christian hope. I have seen the 'sorrow of the world' mistaken for the 'Godly sorrow' which 'worketh repentance unto salvation;' and as often I have witnessed a blind and presumptuous reliance upon Divine mercy, under circumstances which, to a mind in any degree cultivated, would have occasioned the bitterest remorse, or the most alarming apprehension. I asked a young man, whose whole life had been one of careless profligacy, whether he had any belief in a future state, and any expectation of being admitted to Heaven. He replied to both questions in the affirmative. I inquired the reason of his confidence;—and he said in answer, 'Oh! I shall be sure to go to Heaven if I pray hard enough before I die.' I believe this to be the expression of a sentiment existing among thousands who, like this ignorant young man, are living in careless or deliberate wickedness, and in awfully dangerous reliance upon the efficacy of a few words of prayer—when as yet they know not even how to pray! . . ."

From Report for 1840.

". . . . The state—mental and moral—of hundreds of thousands in the labouring population of this county would, could it be presented to view in its real character, pain and startle every serious mind. Existing without any conception of their responsibilities and destiny either here or hereafter,—all their pleasures and pains are the pleasures and pains of sense; and if their untrained feelings are roused at all, it is by appeals to their sensuality, or by highly coloured and false representations of their wrongs and rights. I am persuaded, I repeat, that if a searching inquiry could be made into the intellectual and religious condition of the working

sect called '*Mormonites*,' or '*Latter-day Saints*.' The seeds of this wretched imposture were imported about three years ago from the United States of America, and so genial has been the soil into which they were thrown, that the sect numbers in Preston nearly 800—and about 200 more in the neighbouring villages." [The rest of the note is occupied by a succinct account of the Mormonites; it was the first notice of them which appeared in England. Mormonism was first preached in England in a Nonconformist Chapel in Preston: that chapel is now St. James Church.—ED.]

orders, the results would grieve and alarm. One portion of them would be found living soberly and religiously; another intent upon dangerous political views, or tainted with the abominations of Owenism;[1] and a third existing in ignorance or indifference about principles of any kind,—bent only upon animal enjoyments, and almost as careless of to-morrow as of eternity. Let any one endeavour to test the truth of these observations; let him consider how few of the working male adult population assemble in places of worship, and how many crowd the gin palaces, ale houses, and beer shops,—and he will be convinced that the first of the above-named classes,—the sober and religious—is by far the least numerous. The second class—the political fanatics and the Owenites—are recruited from among the multitudes of the third section, viz.—the ignorant and indifferent. Certain of these last, awakened by some apostle of Chartism or Socialism to a false idea of their capabilities, hear that 'knowledge is power,'—and eventually they so find it;—they begin a course of self-instruction. They learn to read—and read mischievous books and newspapers; they acquire a little readiness in speaking,—and they speak and spread sedition and irreligion. It soon becomes difficult to mark the limits of the power for evil which their ill-digested knowledge gives them the means of exercising upon an ignorant crowd. Measuring their own acquirements with the ignorance of those to whose passions or prejudices they pander, and puffed up with an idea of the influence which they exert upon the multitudes whom they have excited,—they sincerely believe themselves to be possessed of unusual capacity, and to be destined for great things. Some persons of this kind have been under my observation during the greater part of last year. Born in the lower ranks of society, they are all self-educated—and are fully possessed with the notion that they are playing, and have yet to play, an important part in public life;—while they are at the same time absurdly insensible to their ignorance in the most elementary subjects. The mysteries of spelling and grammar are impenetrable by them, but they will undertake to unloose the knottiest point of policy. Surely it is by the spread of education that the power and importance of these 'blind leaders of the blind' is to be counteracted."

[1] The forms of Owenism with which he was brought in contact were of a very foul kind: for instance, it appears from his *Prison Journal* that concubinage had supplanted marriage among the Lancashire Owenites.—ED.

From Report for 1841.

"....I have alluded, in a former part of this report, to the criminality born or nourished in the concert room of the gin-palace, and at such dramatic representations as 'Jack Sheppard;' and to exemplify the guilt and misery flowing from such panderings to weak and depraved natures, I will give some details connected with a case tried within the last year. Three boys, of a class much superior to that in which young offenders are generally found, were indicted for three distinct robberies. ... The boys pleaded guilty to the indictments against them, and afterwards gave me an account, of which the following is an abstract:—"

[The similarity of the three accounts renders it unnecessary to reproduce more than one of them here.]

"The statement made by the third boy, C., is this:—'I am 17—an apprentice to a baker: both parents are living: my father is a master tailor who employs two or three men. He has eight children in all, and seven live with him. Both parents attend the Independent chapel regularly, and they have punished me for not going. I went to a day-school for seven years;—learnt reading, writing, and arithmetic; and a little mensuration. Can read well now. I attended chapel regularly up to the time of my apprehension. The first beginning of my bad conduct was seeing a play acted—and then we started a-making it up how we could break into places. This play was about a highwayman; so we thought we would try to do as he did. H. was the first to begin talking about it. We thought it was a better way of getting money than working. We often talked about Jack Sheppard, and said we could like to be like him.'—(He then corroborates the two other accounts of the various robberies.)—'We often said, we thought we were good Jack Sheppards. H. often said he thought we had done almost as much as Jack Sheppard. We saw Jack Sheppard acted at the theatre in ——. A great many lads and girls from the factories went to see it there. *Whenever Jack did a clever thing at either of the theatres, the people clapped and applauded. It was that clapping set me off a good deal.*'"

From Report for 1842.

"The recent 'outbreak' will be long remembered, and will long afford matter for earnest consideration. Its causes, so far as they may be con-

nected with Chartism on the one hand, or wages on the other, it is not for me to investigate, even were I equal to the attempt; but I may advert to the intellectual and spiritual condition of the misguided multitudes whose folly was productive of so much alarm to others, and misery to themselves; and by examining that condition as manifested in the '*sample*' brought under my observation, the truth may be arrived at as regards the whole body. .... Nearly one half [of the ninety-six prisoners committed for participating in the chartist riots] professed trades or occupations which precluded any personal interest in the question of wages; more than three-fourths of them were in employment, some of them at average, and a few at high wages; their education is about level with, and their religious knowledge lower than, that of other prisoners. And there is another circumstance connected with these persons, which renders the sample they constitute more completely indicative of the state of the operative population;—two of the individuals tried and sentenced were avowed disbelievers in Christianity, and one of these furnished the only instance of ability to read and write well. This man, too, was an active and recognised leader in the disturbances, animated by a reckless spirit and the deepest hatred against existing institutions. Here we have, then, an epitome of the whole insurrection; a great mass of ignorance, weakness, and folly, excited to mischief by a small portion of cunning and malignity. It is from under such influence and control that the working population must be delivered if society is to exist, not merely in order and peace, but at all. The wealthy and instructed have a great task before them, which must be accomplished,—in promoting education and religious knowledge among their inferiors, and also in winning and deserving their confidence and good opinion. The ties which should bind all classes together have been fearfully loosened; there is mutual distrust, and, it must be said, too much of mutual antipathy, where, if each party only understood the other more fully, there would be mutual reliance and regard."

From Report for 1843.

". . . . . In my daily intercourse with prisoners, I have been so frequently struck by their total unacquaintance with facts of the most ordinary character, that I deemed it desirable to take some measure of the ignorance prevailing among them, or rather among the class they represent. With this view, I framed a series of about sixty questions;

and, in June last, systematically examined by their aid twenty-five prisoners [chosen at random]. An outline of the results of that inquiry I now proceed to give.

"Four were never at any school, the remainder, 'a short time,' 'a month or two,' &c. None were able to read, and only two knew the alphabet. Eleven could not repeat a word of the Lord's prayer; none of them could repeat it properly; and most of them, in their attempts to do so, uttered unmeaning gibberish. Some of them, as is frequent with the ignorant, had corrupted words which they did not understand, into phrases to which they could attach some meaning, absurd or offensive as they might be to a mind of any cultivation. 'Which art in Heaven,' is commonly changed into 'Church in Heaven': 'Hallowed be Thy name,' into 'Lord be thy name:' and a woman of thirty-three corrupted this latter clause into, 'I'll be wed i' Thy name.' Only one man, and none of the women, were acquainted with the Saviour's name; and none of them understood what was meant by the word 'Scriptures:' Fifteen could give no account of the Bible or Testament. The following are the replies of others made to my questions as to their knowledge of the sacred volume:—'It tells about right from wrong;' 'it's about being good;' 'it says how we should go on and do our duty;' 'the word of our God is in it;' 'I only know it's about goodness;' 'it tells about John and some doves.' All these persons appeared to possess a vague notion of a state of reward and punishment hereafter, dependent on their '*being good*,' or otherwise; now, when asked if they had been good? four answered, 'yes;' ten, 'no;' and the following are answers given by others, 'I shall begin before long;' 'neither so good nor so bad;' 'I never swear, and seldom drink;' 'I should have been better if my mother had lived' (a declaration accompanied by tears), &c. &c. When asked, 'where do you expect to go when you die?' four said, without any hesitation, 'to Heaven;' five said, 'I don't know;' others replied, 'I'll try to go to Heaven;' 'to hell if I don't alter, but I *will* alter;' 'in the way I'm in now, to a place of punishment;' 'I shan't go to Heaven unless I mend;' 'I think about it a deal;' 'I'll try to go to Heaven, *and I'll give over railwaying*;' 'I hope to the good place;' 'I could *like* to go to Heaven,' &c. &c. Five of these persons admitted they had never been in a place of worship; a sixth said 'only once;' the remainder, 'very seldom,' &c. Upon endeavouring to discover if they knew the meaning of the words

'virtue,' 'vice,' 'rightcousness,' 'iniquity,' 'holiness,' 'repentance,' I found thirteen of the men and all the women entirely ignorant; five of the men appeared to have an indistinct perception of the meaning of the last three words; but one said that 'righteousness meant cursing!' and that iniquity meant 'turning from being bad to being good!' With regard to some other kinds of information which it is scarcely conceivable could be wanting to any one who has the power of conversing with friends or associates, it appeared that thirteen never heard of the Duke of Wellington! With the name of 'Lord Nelson' they seemed to be a little more familiar; though but few of those who had 'heard tell' of these great characters could say whether they were now living or dead.[1] Seventeen were ignorant of Her Majesty's name; four thought it was 'Prince Albert.' Subjects of interest, however, had been found for these untrained minds, and with regard to *them*, information seemed more accurate and more general; eleven of the men had heard books read about Dick Turpin, and Jack Sheppard—they were *famous* robbers; two of the women had 'also heard tell' of the 'famous' characters so happily and judiciously introduced to the admiration of the labouring classes by the novelist and dramatist. The men appeared to be acquainted with a little practical arithmetic, arising probably, from the necessity of reckoning their wages, &c.; nevertheless, six men and all the women were unable to count a hundred correctly. Upon being questioned as to where woollen, linen, cotton, iron, and coal came from, it appeared that as to woollen, fifteen were entirely ignorant; as to linen, twelve were ignorant; ten were unacquainted with the origin of cotton, and fourteen the same with respect to iron. As might be expected, the knowledge with regard to coal was tolerably accurate. Upon my suggesting to one of the men, aged thirty-three, who had declared his ignorance relative to iron, that it came out of the earth, from mines, he replied, 'I've heard 'em say they got it out of the ground, but I never believed 'em.' Sixteen men and all the women could not tell the present year. Not one of either sex

[1] The following is a literal account of part of a conversation held with a young man of twenty-one, which I give as furnishing a specimen of the unintelligence which I have, too often, met with. 'Did you ever hear tell of the Duke of Wellington?' 'No; but I *seed* his *shape* once.' 'Did you see it over a public-house door?' 'No; I seed it ridin' on a jackass, with a pair o' owd boots on, and a pipe in his mouth.' 'And where did this happen?' 'Why, at Marsden;' where, as I subsequently gathered, this effigy of his grace had been paraded on the occasion of some political excitement.

could repeat the names of the months in succession; and none knew in what months Christmas Day and New Year's Day occurred.

"Some people may consider these details incredible; others may think them tedious and unnecessary.[1] I can assure the former that they indicate less than the whole truth as regards the amount of ignorance attempted to be described. My inquiries were made in language adapted to the capacities I had to deal with; the questions were put and varied in the 'vulgar tongue,' and all pains taken to place the examinee quite at ease. To those who may look upon the particulars I have given as tedious, I would urge the necessity for making known the extent and nature of the intellectual darkness brooding over so many thousands of our fellow-subjects, in order that all who regard as they should this degradation of our common nature, may assist in its removal. Of what pleasures, except the sensual, are such an untaught race susceptible?[2] How are their thoughts exercised? Are they capable of any of the thousand delights born and growing with the progressive development of mind? What can they know of the just or the true, the fit or the beautiful? Does hope that comes to all ever come to them? For them is there any pleasure of memory? Any gladness of anticipation? And yet more—in what terms are the messengers of divine truth to make known to them the conditions of eternal salvation? How are they to speak of 'righteousness, temperance, and judgment to come,' to ears which cannot listen, to hearts which cannot understand? Alas! the people *are* 'perishing for lack of knowledge'! There is a mental and spiritual ruin spread around us, which it will require the best efforts of the best men to stay. Looking on that ruin, it is hard to say whether the many who are unconscious of its power, or the few who are vainly struggling against it, are greater objects of compassion. By far the larger number of those whose state I have attempted to depict, appeared alike insensible of their ignorance and its evils, while a few were fully alive to both. A man in the prime of life, the father of three children, said to me, with an earnestness of feeling which I can neither describe nor forget,—'You see, sir, I'm lost for a bit of scholarship; but I'll take care my children get some, if I *clam* (starve) for it.'"

[1] Since the examination of the cases detailed above, I have conversed with 212 prisoners, whose ignorance is similar to what I have described.

[2] It is one of the greatest disadvantages attached to the condition of the working classes that there are so few places calculated to afford them healthy and innocent recreation. A few years ago, when an exhibition of natural curiosities, works of art, &c. was open to them in Preston, the public-houses were deserted.

From Report for 1846.

"..... Public education, then, *is* lamentably imperfect, even if it were measured by the ability to read and write. *Without* that ability there *can* be no education; but (which is less considered) *with* it there *may* be none, or worse than none. The acquisition of reading and writing is only the acquisition of instruments by which education may be shaped out;—tools with a keen edge, of the greatest value to those instructed in their use, but calculated to do enormous mischief in perverse or wanton hands. .... No—very often have I found boys and young men able to read fluently the printed characters in the New Testament, though quite unable to comprehend the sense of what they read. That Book, desecrated by the system which makes it a lesson-book, is associated in the mind of the Sunday-school child, and of many another child, with uninteresting, mechanical, and difficult labour; with confinement, weariness, and—blows. Children are 'put into the Testament' as into a hard and barren field, in which they are to perform a piece of useless drudgery, instead of being led into it as into a garden of the choicest flowers and fruit which they have been prepared to admire, and are now privileged to cultivate and enjoy. The tendency to regard the Holy Scriptures as a dépot of taskwork, and the reading or committing to memory a certain number of verses as a meritorious labour, is evident even in prison. I have too often been disappointed when, on visiting the prisoner in his cell, instead of discovering some intimations of an awakened understanding or conscience, I have been met with a self-satisfied announcement that so many chapters have been read, or so many verses learned by rote. With regard to this mechanical reading, I have met with many boys and young men who, when the *signs*—'*there was a marriage in Cana of Galilee*' were presented to them—uttered the corresponding *sounds* readily and clearly, but who, on being questioned as to the meaning of the word 'marriage' could give no answer. To one of these young men I expressed my surprise that, though he could *read* so well, he should be so ignorant of what he read. He replied, in a tone of indignation,—whether at what he considered injustice or imposition, I know not,—'Why! they never learned me the *understanding* of the words!' But this same young man, so uninstructed in the great and vital *meanings* of the Testament, could apply the mechanical faculty he had acquired, the

instrument so dangerous when misapplied, to unlock the meanings of other books: he easily comprehended, assisted by coarse but intelligible engravings, the exciting stories of 'The Newgate Calendar *Improved*,' and of Dick Turpin and his black mare! And so while the Book of Life has never been opened to his understanding and affections, other books, fraught with ruin and death, are made level to his capacity and enticing to his imagination."

From Report for 1847.

"I trust I am not flattering myself in supposing that this enormous vice, and its enormously ruinous consequences, are attracting attention in quarters powerful to discourage and check the evil. If anything of the kind should exist, I shall not be uselessly occupied in gathering and presenting details which, if disgusting themselves, may yet be borne with, on account of the necessity for a thorough conviction of the nature and extent of this national sin. . . . . It is in the beer-shop that the poacher receives the first lesson and his chief encouragement; there, the reckless 'navvy' squanders his earnings and his strength; often drinking himself into desperation, and so becoming ready for any act of robbery or plunder, in order to purchase means for another debauch; there, labourers and artizans assemble by troops, and drink away wages, clothing, health, life. There, they take their wives' and children's bread and cast it to dogs! . . .

"It may be thought that the insane fondness for drink is confined, after all, to the criminal population of the country, to '*la classe dangereuse*.' It would be some little drawback from the mischief to have it so limited. But I must proceed to state that which will dissipate such an idea, and indicate how far the infatuation prevails among the *whole* working part of the people. An opportunity presented itself which enabled me to ascertain the weekly expenditure in liquor of all the men—hard working labourers, and skilled artizans, employed by one master. The result I give in the Appendix, in Table 26, and I venture to recommend it as well deserving of serious consideration.[1] We see there, that, taking any 100 or 150 well

[1] He thus briefly sums up the results of the Table:—

"The gross weekly earnings of the 131 men amount to £154 16*s.*, and the aggregate of the weekly sum spent by them in liquor is £34 15*s.*, or 22.4 per cent. of their wages. On the supposition that these wages and this expenditure continue nine months in the year, 39 weeks × £34 15*s.* = £1,355. But as the 131 include 12 who entirely abstain from liquor, each of the 119 drinkers expends annually £11 7*s.* 9*d.* in the indulgence of his propensity. . . . Out of the foregoing list there are not more than twelve attend a place of worship."—ED.

employed workmen, each of them, on the average, devotes to the pleasures of drink more than 25 per cent. of his earnings; that many married men thus squander 40 or 50 per cent., and that some are so infatuated as to throw away, weekly, in drink, 35s. out of 40s. wages. I have minutely examined the official returns by the gentlemen respectively superintending the County, Liverpool, Manchester, Salford, Preston, and Wigan police, and I find that in the year 1846, more than 15,200 persons appeared before the magistrates charged with *drunkenness*; and upwards of 10,000 more, accused of 'breach of the peace' and 'assaults;' offences implying drunkenness in almost every case. I do not now notice those more terrible offences, manslaughter, rape, robbery, which are almost always produced by the same cause. It is the knowledge of the facts like these which renders credible the calculated expenditure in the United Kingdom in intoxicating drink, viz., more than *sixty-five millions of pounds sterling annually! Ten times the usual amount of the English poor rates!* That is, the ignorant and the profligate squander away the means of comfortable livelihood, or independence, and then come, in pauperism and shame, to seek a miserable support from those who have been sober and prudent.

"Whatever measures may, at last, be directed against the dreadful ignorance—religious and secular, which lies at the root of our social diseases and dangers,—surely something might be done, in the meantime, to mitigate this hideous symptom, intoxication! At home, the soldier is no longer to be debased by the barrack canteen; abroad, the Hudson's Bay Company have prohibited *fire water* throughout their extensive territories, that the Indian races inhabiting them may not only be saved from extermination, but be advanced also in civilization. Has the English workman, alone, the peculiar privilege not to be restrained by any authority from drinking himself into crime and ruin? . . .

"There is, however, ground for comfort in the fact that crime and disorder *are* decreasing; and circumstances authorize the hope that the favourable movement is something even more hopeful, than the mere moral fluctuation of the great popular wave. The decrease since 1845 is attributed, by Mr. Sheppard, the chief constable of Salford, mainly to the restricted means of indulgence in liquor. In this view I fully share; and it is, I think, singularly corroborated by the falling off in the revenue derived from malt and British spirits in the present year. A decrease of

eight millions of bushels of the former, and two millions of gallons of the latter, argues less drinking and consequently less crime. But comparing 1846 with 1842, both periods of great distress, we discover, with a population *increased* about 9 or 10 per cent., offences *decreased* exactly 30 per cent.; and, as regards committals to this Gaol, nearly 40 per cent. We may hope, then, that in spite of the prevailing ignorance and excess, there are some agencies working beneficially on our Lancashire population. I doubt not that education has done much, that the improved penal discipline has done something: but there is apparent, amidst the present season of trial, a new and happy symptom—the feeling, on the part of the operative, that his own and his employer's welfare are bound together; and that their respective sufferings and embarrassments have sprung from causes which neither employers nor Government can control. Indeed the patience and fortitude with which the operative classes have borne, and are bearing, their severe privations deserve higher and more emphatic approbation than I can presume to give. They deserve the speediest and most energetic exertions to supply them with such general and religious teaching as will develop, to the full extent, their many valuable qualities. Of the latter, and most important teaching, there is yet the greatest need. Though it can, in but few cases, overtake those who are now running their course of crime, it may arrest and put into a better path those who have not yet been misled. The extent to which religious ignorance and indifference prevail, can scarcely be credited of a people among whom the Gospel has been preached for twelve centuries. For more than twenty years I have used my humble efforts to attract notice to the practical heathenism suffered to exist among us at home; and it is still my duty to say, that although the evil is now more fully recognised, its fearful dimensions are not dreamt of. 'Is it, or is it not, an exaggeration to say, that more than half of all the adult persons who belong to the communion of the Church of England, live and die without ever participating in the Holy Eucharist?'[1] Alas! it would be well if this were *merely* not an exaggeration! Let us endeavour to see the truth, however painful it may be to look upon. I take a town with which I am best acquainted—Preston—not excelled, I think not equalled, for general decorum and propriety, by any town in the kingdom of a similar population. I estimate the

[1] Quarterly Review, June, 1847, p. 60.

inhabitants at 65,000; and of these are, at least, 31,000 connected with the Church of England by the rites of baptism, marriage, and burial of relations. Deducting those under 16 years of age, and taking the proportions given by the last estimate, we shall have between 20,000 and 21,000 nominal members of our Church, who *ought* to show their membership by sharing in the ordinances, and in the rites she administers at her Lord's Table. I will not venture to say how *many of them habitually neglect* every part of her worship; but I know that I am far from exaggerating when I state that—not one-half—but more than nine-tenths entirely neglect, at least omit, in this manner to commemorate their Saviour's death, and would die in this omission but that occasionally the clergyman is summoned, at the last moment, to deliver the Holy Communion, solicited rather by a feeling of superstition than the spirit of piety. This is an appalling view of the spiritual condition of the masses; and if such be the case of Preston, how is it in Manchester! Liverpool! Would that it were as easy to provide, or even to suggest, remedies, as it is to lay bare the disease! Yet some little, I humbly submit, may be done;—*may be done now.* It is not that we want more churches, but we do want more ministers. When I see the attention and interest given by *prisoners* to a *short* daily service, I feel assured that many an operative and labourer who now habitually desecrates the Sabbath, would gladly attend a Sunday service were its duration shortened, and the time convenient. Instead of only two or three services on the Sunday, I would have five or six;—two of them to be performed in full, and three or four so shortened or divided, that, including a plain and pertinent sermon, each should not occupy more than from forty to sixty minutes. I entertain a confident hope that these short services would soon be well attended. Many persons who cannot make up their minds, after a hard week's toil, to give two hours in the middle of the Sunday to their public religious duties, or who do not like to contrast their clothing with that of their wealthier neighbours, would find a little satisfaction in thinking that, by devoting some part of the Lord's day to His worship, they would be better entitled to be called by His name. The rest and relaxation which the working man must have on Sunday would, after even one short visit to the House of Prayer, assuredly be more innocent than it is now; and let him only once practically recognise the claims of the Sabbath, he would be brought more and more under the sway of religious influences. To carry into effect any practices, such as

are now suggested would require, I repeat, not more churches, but more ministers.[1]

"I trust that I have not wandered out of my province in writing of these things. It is impossible that a Gaol Chaplain can make himself duly acquainted with the moral and spiritual condition of the misled persons brought under his care, without having his thoughts also drawn to the state of the great mass to which they belong, and without gaining a knowledge of it, not to be fully acquired, perhaps, by the generality of his brethren in the ministry. He ought not, then, to be silent. If society assigns to him the humble duty of instructing that small portion of the ignorant and demoralized which the law has marked with its condemnation, society must be told of the far greater part who are not less deserving of our solicitude because they have hitherto escaped the disgrace of imprisonment.

"We have thus far been too much occupied with other things, and have too long permitted the growth of evils which, even if somewhat meliorated latterly, are still as monstrous as they are dangerous. I have often presumed to ask, for *their* sakes, 'why are our home heathens so neglected?' I repeat the question for our own sakes—for the sake of our credit—*of our own safety.* In what respect are they for whom I plead less deserving of our Christian solicitude than the strangers of another hemisphere? I know them, and I know even the more degraded among them to be capable of much that is excellent. Amidst their many faults—springing almost always from the ignorance *which is not their fault*—they possess many virtues. In the prisoners' cells I have found teachable dispositions, natural good sense, patience under suffering, hearts easily softened by kindness, and full of home affections, and a singular simplicity and love of truth;—materials, in short, capable of being wrought, by properly directed efforts, and under the Divine blessing, into the firmest and most lasting support of a Christian state.

"But these materials lie neglected for want of hands qualified to give them form and coherence. The labourers are few—few as they are necessary; and even of those few we may be deprived by solicitation for their

[1] I should be wanting in candour to a large portion of our fellow Christians in Preston, were I to refrain from bearing witness to the exemplary manner in which the poor of the Roman Catholic Church avail themselves of their frequent services.

services in fields considered more promising. But surely the claims of our own people here—in England, in Lancashire—ought not to be disregarded because 'the claims of *China* are of the most interesting, as well as of the most important kind;' because 'in *New Zealand* and *West Africa* the number of missionaries is inadequate to the work opening before them!' 'An appeal is made to the younger clergy who are now labouring at home.' They are invited to 'calmly compare the statements (of missionary success) with the results of their own spheres of labour, and ask themselves whether there be not a special call upon those, before whom the way is providentially open, to go and labour where the Lord is pouring down the richest showers of blessing.' It is urged, 'let the missionary field of labour be contemplated, and compared with those prospects which a curacy, or educational pursuits, or, it may be, a rural incumbency, present to the mind.'[1] If these arguments are responded to, if the young, zealous, and able of our clergy should be prevailed upon to desert those to whom they are *specially* called to do good,—those who are, at least, of the '*household of faith*,' and spend their energies among people for whose spiritual state they are not so responsible,—what will—what must, humanly speaking, be the consequence?

"I am far from unmindful of the Great Command to 'go into all the world and preach the Gospel;' but I remember that Divine Wisdom directed the disciples to begin their task at Jerusalem; and were we to act in the spirit of that command it would be well. The want of success (with inadequate means) at home should not create a feeling of despair, but a resolve to greater efforts. Not the younger clergy alone, but all of us, should 'calmly consider' that it is a plain duty to leaven with Christian principles the great mass, portions of which—soldiers, sailors, emigrants, colonists, are dispersed into all the world; and that we should faithfully strive to fulfil that duty. We should be watchful, lest in the excess of our anxiety to kindle or nourish the flame of true religion in distant lands, we suffer it to be quenched on our altars at home. When we are so emphatically required 'to keep in view as the grand object proposed to this Christian country, *the conversion of British India to the faith of Christ during the present generation*,' ought we not to feel that there is at home an object yet grander in itself; more

1 "The present position and future prospects of the Church Missionary Society." London, 1846.

momentous, whether neglected or fulfilled; involving duties to which we are most bounden, and most certainly, under God's blessing, more practicable?"

From Report for 1849.

"In several of my Reports of former years it has been my endeavour to show that the criminality of North Lancashire should be considered apart from that of South Lancashire; and I am yet inclined to be urgent on the point, because it has been, and still is, the practice of those who interest themselves in criminal statistics, to make no distinction between the two divisions . . . . and to speak of the county generally as the great district of the cotton manufactures—imputing to *them*, at the same time, whatever amount of crime Lancashire, as a whole, may, unfortunately, be chargeable with." [Passages in which this error is committed are quoted from Mr. Symons' "Tactics for the Times," and Mr. Worsley's "Juvenile Depravity."]

"It is in such terms that persons who have little or no direct acquaintance with the 'manufacturing districts,' speak and write of the low moral state of our population. In a letter to the *Times*, of the 4th of October [1849], Lord Winchelsea mentions, as one of three national sins standing 'prominently forward,' 'the awful neglect on the part of the legislature, in having allowed great masses of our manufacturing population within our land, to live and die as heathens.' No doubt the amount of heathenism in the manufacturing districts *is* deplorable; but, at the same time, *manufacturing* North Lancashire is chargeable with much less crime than Lord Winchelsea's county, *agricultural Kent*. In Kent, the criminals to the population are as 1 to 668; and in North Lancashire, 1 to 999. Mr. Worsley, writing at his rectory, in Suffolk, falls into the same kind of error as Lord Winchelsea, writing at Knowle Park. Whatever may be the want of 'moral checks at all adequate to our need,' we are not alone in such deficiencies; and we can even reciprocate the sympathy shown for us by those who seem to forget their own destitution in their solicitude for ours. In *Suffolk*, for instance, the criminals to the population, are in a greater ratio than they are in Kent, being 1 to 647. In the same county, 'the extent of depravity among the female sex,' is in a greater ratio than it is here in North Lancashire (Suffolk, 1 to 4,633; North Lancashire,

1 to 5,441). And as to *juvenile* offenders, *those of Suffolk are thrice as numerous as those of North Lancashire!*

"The quotations given above, being from otherwise valuable and well-timed publications, supply instances of the erroneous impressions created by the habit of considering North and South Lancashire as one manufacturing county, and of imputing its criminality chiefly to its being such. Now, although North Lancashire is, essentially, a cotton manufacturing district, *in regard to juvenile crime, our division is very greatly surpassed by twenty-two counties, most of which are agricultural; and in female criminality by seventeen counties, almost all of them, also, being agricultural.* If the recorded crime of North Lancashire were, in reality, derived from its manufactures, the steam power which sets in motion the spindles and looms in the large towns of the northern division—Preston, Blackburn, Burnley, &c.—and the water power which avails to manufacturing enterprise and industry in the valleys of the Leven, the Lune, the Ribble, and the Darwen, would be gifts to human ingenuity apparently inconsistent with that Providence which, I believe, intended them for the benefit of mankind. But what are the facts? Lancashire, as a whole, stands *eleventh* on the list of counties arranged in the order of their criminality. But if we look at South Lancashire and North Lancashire separately, though the former is then made to occupy the *eighth* place, the latter is removed thirty-four or thirty-five places from Middlesex and Warwick, which head the columns of crime. Since then, the northern division of this county, with its innumerable cotton-mills, holds a position so creditable, it is obviously a great mistake to impute Lancashire crime to Lancashire manufactures. It is the *great seaport* of the southern division which throws its own dark aspect over the moral reputation of the entire county; and I now beg to submit evidence to demonstrate how much the combined criminality of Manchester, Salford, Bolton, and Preston—the great 'manufacturing centres'—falls below that of Liverpool, which scarcely, if at all, subjects to the action of machinery a single fibre of all the cotton landed from its magnificent docks. [Statistics given.]

"It will now be sufficiently evident that it is not a manufacturing population, as such, which fosters crime; and, most certainly, neither juvenile nor female crime. It is not even because a county is more densely inhabited, that it becomes pre-eminent for demoralization; for were it so,

putting the metropolitan county out of the question, Lancashire would then appear foremost. With its thickly-planted inhabitants—147 to each hundred acres, according to the census of 1841—it would follow Middlesex in the sequence of criminality, instead of coming eleventh, and giving an unenviable precedence to Rutland and Hereford—agricultural counties—which, compared to Lancashire in respect to *density* of population, have only one inhabitant where Lancashire has seven. . . . It is not manufacturing Manchester, but multitudinous Manchester, which gives birth to whatever criminality may be imputable to it. It is the *large town* to which both idle profligates and practised villains resort as a likely field for the indulgence of sensuality or the prosecution of schemes of plunder. It is the *large town* in which disorder and crime are generated, not by any branch of industrial employment, but by the numberless inducements to debasing excess. But as there is a 'dangerous class' growing out of great town temptations, there is also a 'dangerous class' suffered to grow amidst rustic ignorance. If Liverpool is to be regarded as supplying the thousand melancholy examples of wickedness gathered in the crowded streets and quays of a great seaport town, Hereford and Rutland furnish too many instances of the iniquity suffered to spring amidst a scattered and uncultivated peasantry. . . .

"If I have succeeded in removing from the manufacturing population of Lancashire the charge of excessive criminality, it has been at the expense of our great seaport; and it is right that having gone so far, I should proceed yet further, and shortly state the causes which have given to Liverpool its lamentable pre-eminence. It is scarcely necessary to say, that in every large seaport there exists a dissolute class, maintaining itself by preying on careless and drunken seamen, and by pilfering property lying exposed on the landing places. But this is not all, as affects Liverpool. It is her peculiar misfortune that her harbour is too easily gained by a race of persons who, whatever may have been their habits at home, no sooner reach Liverpool, than such of them as are in a destitute state, either give way to the temptation to plunder round the docks, or become an oppressive and demoralizing burden to the town. . . The Irish in Liverpool are estimated by Mr. Rushton at one-fourth of the entire population, *but they supply more than one-half the number of criminals*. . . . This constant influx of Irish misery and crime it is almost impossible to restrain. The open docks of Liverpool, where the

quays are covered with costly articles of commerce, swarm with thieves, whose cunning and rapacity are in continual action. . . .

"In my first Report 26 years ago, I was constrained to declare that 'the great and dreadful cause of crime in this country, the overwhelming curse which debases and ruins the lower class—resides in the alehouse.' Since then we have provided for the industrious poor the greater curse of the beer-shop. For the drunkard there is 'in the lowest deep a lower deep, still threatening to devour him.' Should it be thought that, having for so many successive years written on the prevalence of a malady more general, more fatal, more uncontrolled—though not more uncontrollable than any other, it is unnecessary to report further on the subject, I would say that such is the growing magnitude of the evil, that every one who sees it in its dire dimensions would be without excuse were he to hold back his testimony. In truth, public attention has been roused to the necessity of facing this demoniacal agent; and unless we are content to see both our 'bold peasantry' and our 'intelligent operatives' devoured in beer-shops and gin-palaces, it must not only be faced but exorcised. It appears, so far as I can see, that materials for the history of the gin-palace, as regards this county, would be best supplied by Liverpool. North Lancashire has been found more congenial to the beer-house. It was, no doubt, intended by the Legislature that the beer-houses should supply certain cheap and safe advantages to the working-man: what is their actual effect upon him? [Some loathsome details are given.][1]

"It is truly distressing to be required, at stated periods, thus to lay bare the moral sores of society; and were the duty less imperative, I might seek to evade it. But I consider that a Gaol Chaplain's opportunities for research into these things—sad and disheartening as the case may be—should not be neglected, nor the result of his investigations be suppressed. I believe it to be a momentous necessity that the public, especially the Christian public, should be kept fully informed of the progress made by the malign powers leagued against the happiness and character of the industrious classes, and of the condition of *millions* in

[1] "I must put this in quotable form," he said, as he was revising the proofs, "for the Temperance Papers." Accordingly he added the following foot note:—

"He enter'd a licens'd beer-house next,—
A reeking and filth-fill'd room,—
Where—'mid oaths, and lust, and lies,
—he must
Have felt himself quite at home."

Extension of "The Devil's Walk."—ED.

the country whom I have, on former occasions, spoken of as our '*home heathens.*'

"It has been said that crime and the existence of criminal classes are inseparable from a high state of civilization. I apprehend that a more unfounded and more dangerous opinion has seldom been enunciated. So far from such moral disorder as ours being an unavoidable concomitant of advanced civilization, it is rather to be regarded as a proof that our educational and religious state—*i.e.*, our civilization—is miserably imperfect. Remedies for this state have been sometimes judiciously planned, yet, being too often opposed with blind violence and complete ignorance of the necessities of the case, they have never been carried out with due energy and comprehension. We apply temporary palliatives to severe, though curable, wounds, and excuse our ill success by pleading that the case is hopeless. How many of our moral evils are, in truth, beyond remedy? *Few.* No one can say where the process of melioration would stop, were the work of moral, and religious, and *practical* education —not mere mechanical reading and writing, and committing chapters to memory—entered upon and prosecuted by all who can assist by wealth, or influence, or example. Were those to whom Providence has given Position or Intelligence, to act according to their opportunities, their responsibilities, and their INTERESTS, how would crime dwindle! . . . . In Preston some of the happiest symptoms of the times are visibly and nobly at work. In my last Report I had occasion to advert to the Report of the *librarian* to one of our great cotton mills, and to the *school* established at another. It will not be foreign from this part of my subject to add further particulars of the measures taken at Messrs. Catterall's mill for the mental and religious benefit of their workpeople. At the evening school, which has now been in operation more than two years, about eight teachers are in regular attendance. The mill *Sunday* School, attended principally by adults, is also in a highly efficient state; and the *chaplain to the mill* addresses, every Sunday evening, in the *Mill Chapel*—an appropriate building erected expressly for the purpose of Divine service—a congregation whose numbers, earnest demeanour, and beautiful and touching psalmody, would gratify every heart which prays that the Almighty would 'increase in us true religion.' Having witnessed the instruction given at the evening school, and having being permitted to assist occasionally at the Sunday evening service, I desire to express my

sense of the immense benefits which *do*, and must, follow, such measures as those of Messrs. Catterall. The operative in their employment must be blind indeed if he do not see that his master's welfare and his own are bound together. A happy effect must be wrought on the sentiments of all parties, when employers and employed, acting in mutual reliance on each other, through the busy week, 'meet in the House of God as friends,' on the Sabbath. We can now understand the reason of the small ratio of crime to population in Preston. No committal *for any offence*,—no summons to the Town-Hall,—of Messrs. Horrocks' and Miller's hands, numbering about 2,000,—or of Messrs. Catteralls', numbering about 800—has taken place within a period of more than two years. How strongly do these facts negative the assumption which imputes crime to the 'manufacturing system.' The cotton factory permits few opportunities for the growth and practice of dishonesty; and, in the hands of wise and good masters, not only provides regular and remunerative labour, but also promotes the mental and spiritual cultivation of the labourers with a regularity and success unattainable where employment is less systematic, and where the workers are more scattered. It is not in such mills as those alluded to, that many workers can be found squandering their wages in drink and their leisure in dissipation: on the other hand, it is in them that the 'producer' may acquire the real practical knowledge calculated to secure his comfort and respectability—the lessons of forethought and circumspection which would be his guarantee against the workhouse and the Gaol. . . . .

"I repeat it, that would we only exert ourselves wisely and heartily in aiding the working class to effect the desirable change by communicating to them a due amount of Christian prudence, the whole aspect of their social condition would rapidly and lastingly improve. But as yet, in spite of creditable and successful efforts made here and there, to show what *might* be done, the largest portion of the great mass remains untouched by the hands which might both soothe and elevate. The children of toil desert our churches and fill the beer-shops. The more ample the wages, the greater the proportion squandered in profligate excess. Civilization and Christianity have yet to be conferred on millions of our fellow subjects

——"clipped in with the sea
That chides the banks of England, Scotland, Wales."

From Report for 1850.

"Trained thieves and pickpockets differ from the mere tramps, both as requiring a far greater amount of plunder to support them, and as more constantly and actively seeking it. While the tramps are always pedestrian, and are content to herd in the most sordid lodging houses; the professional thieves resort to alehouses and taverns, travel by rail, and altogether maintain a style of living unattainable by meaner rogues. They differ, again, from 'the resident bad characters,' inasmuch as they *never* work; but live entirely upon the fruits of their daily villany. . . . . Though Preston is not yet of sufficient magnitude and importance to maintain a body of *resident* pickpockets, it seems to repay the trouble of frequent visits from members of the Liverpool and Manchester corps. The great majority of cases, tried within the last year at our Sessions, in which it was thought necessary to inflict transportation, have been of professional thieves whose head quarters were in Manchester. Our observation has naturally, been attracted to these criminals; and repeated conversations with them individually,—when separation from all that could encourage them to persevere in the reserve, which before trial it was never attempted to disturb, had inclined them to become communicative —gradually impressed me with the conviction that the character of the system in which they had been engaged has scarcely received the necessary attention. I much doubt whether the public, that suffers from this system, has anything like a correct conception of its real extent and the vicious vigour with which it is prosecuted. The subject appears to me to involve so many considerations connected with the police of the country, with the property and safety of the honest and orderly, and above all, with the demoralized state of great numbers of our fellow creatures—that I shall need no apology for entering into a few details. The first case to which our special notice became attracted was that of three young men—two of them, indeed, only boys—and a girl, apprehended for a shop robbery in Preston—an offence seldom ventured upon by thieves of their class, because considered 'dangerous,'—*i.e.*, involving greater risk of detection than their ordinary practice, and a severer sentence in the event of conviction. The names of the culprits were John O'Neill, Richard

Clarke, Thomas O'Gar, and Ellen O'Neill. On committal their true characters were at once apparent. On their trial numerous previous convictions at Manchester, Liverpool, Wakefield, &c., were proved, and being once more found guilty, *now* sentences were passed upon them calculated to secure the public for some years from their depredations. These unhappy convicts, who, previous to trial, were cautious and reserved, underwent a change afterwards. Individual separation, and the consequent working of memory and reflection upon minds too young to be quite hardened, produced the usual result. One after another—and each ignorant of what their associates had done or purposed—they gladly availed themselves of opportunities to unburden their memories, if not their consciences, of the load pressing upon them. . . . . The following is a sketch of their history now under notice; and I am too well assured that hundreds of similar sketches might be made by any one who has the opportunity of studying from the abundance of models supplied by the two great towns of the county.

"An *Irish* soldier named Clarke, on his discharge from the army with a pension of a shilling per day, settled first at Stockport and then at Manchester with his family, consisting of his wife, three boys and two girls. The father occasionally worked at his trade as a shoemaker, and could have earned a comfortable living by it. The two elder boys and the elder girl obtained employment at the factories; the girl, however, after a little time exchanged this occupation for domestic service, in which she continued a year or two. The parents—as is too frequently the case—bestowed no moral or religious care upon the children, who, in consequence, soon picked up bad companions; and, beginning with petty thefts at such places as Knott Mill fair, gradually entered upon a course of systematic crime. The second son, Richard, led the way, and all the rest of the children (the younger girl, who is now only 12, excepted) followed in quick succession. At first the parents remonstrated,—'scolded and gave good advice'—but never hesitated to accept all that was offered to them of their children's ill-gotten gains. In a short time the father became 'a great drunkard;' while the mother, it is evident, encouraged and assisted practices which provided means for enabling her and her husband to live in idleness and luxury. The man does not appear to have quitted Manchester, but the woman took a more active part in the proceedings of her children; frequently making long journeys to meet one or other of

them, on discharge from prison, and occasionally making herself useful in passing stolen bank notes. One of the occasional associates of this family, named John O'Neill, attracted by the skill and success with which the girl exercised her vocation, after a short courtship, married her. 'The askings,' said Ellen, 'were put up, (at Leeds) and I filled up the three weeks by going to Sheffield and York, and I got about 10*l.* or 11*l.* at both places together.' This O'Neill—now aged about 22—was, according to the statement of his wife, and her brother Richard, *driven from home*, at fourteen years of age, *by a step-father*, who, Ellen O'Neill affirmed, had caused another son to be transported. After O'Neill's marriage with Ellen Clarke, he seems to have been supported almost entirely by the fruits of his wife's skill; living in a constant state of drunkenness, and only making himself useful now and then by '*shading off*,' *i.e.* screening, the operations of his more adroit and active partner.[1]

"A great extent of country was traversed by this gang in their plundering excursions. Making Manchester the centre of their operations, they organized expeditions to all parts of the kingdom—or to speak accurately, they started in a spirit of errantry—with no more plan than might be involved in the determination to remain a long time away, and to visit as many places as might hold out a good chance of booty. Now associated—now separated—forming temporary leagues with new comrades —occasionally caught and sentenced to *short imprisonments*—they roamed about the country, '*working*' the fairs, markets, railway stations, steeple chases, &c., &c. . . . 'About this time,' says Richard Clarke, 'I was fifteen, my gains were about 9*l.* or 10*l.* a week. It all went in keeping my mother (to whom remittances were made by post office orders) and in the public houses. I was dressed like a gentleman's son, with a cap and tassel, a round jacket, and a white turn-down collar.' Though young, Richard was cautious. 'I never ran a chance,' he says, '*of throwing myself away—i.e.* taking more than I wanted and running unnecessary risks.' Sometimes, indeed, he 'did not look for money, because he had enough.' Ellen Clarke, and the youngest boy, Edward, appear to have been the boldest and most successful of the family; and the girl, as well as the mother, was not wanting in a certain kind of family affection. We

[1] "*To stall for the dip*" describes, in *professional* terms, the part generally played by O'Neill.

find her starting from Manchester to Gloucester, in order, if possible, 'to obtain a counsellor for Richard, who had been put back for trial on a charge of picking pockets.' Unsuccessful in her object, however, and leaving Richard in Gloucester, she occupied some time in travelling about, chiefly in Yorkshire. She went to Hull to meet her eldest brother, John, on his discharge from prison, there; 'I waited till he came out, and then he *leathered* me for being away from home.' Ellen Clarke, indeed, possessed a natural disposition which, had she been blessed with Christian parents, might have contributed to their and her own credit and happiness. Her narrative throughout betrays the wish to palliate their conduct, and, at her interviews with them, since her conviction, she appeared quite forgetful of herself, and only solicitous to assuage their anxiety about her, and to warn her brother Edward from his dangerous course. This determined and skilful girl-thief of seventeen, who, at the latter period of her short run of crime, was not satisfied with less than a weekly booty of 10*l.* or 20*l.*, 'trembled very much,' when she made her first successful essay upon the pocket of a young woman, from which she purloined eighteenpence. 'I met,' she says, 'the young woman again, in a short time, and she was crying; I heard her say that the money was her mother's. *I cried too*, and would have given her the money back, but I was afraid of being took up.' What an affecting contrast between this girl's character and fate as they *are*, and as they *might have been!* And how sad to think, that our backward civilization possesses, as yet, no means for saving from moral destruction thousands who, like this poor child, possess natural qualities which, by God's blessing, would amply repay the labour of cultivation.

"As I have said, after sentence was pronounced upon the gang, the reserve and hardihood which the different members of it had previously exhibited, gave way. Richard Clarke was the first to yield; his sister, who seemed more attached to him than to her husband, next softened. O'Gar, whose demeanour had always been quiet and humble, also became communicative; and at last O'Neill, after a meeting with his mother, entirely threw off his obduracy.

"It has been the long-established practice in this Gaol to permit interviews between convicts newly sentenced to transportation and their near relations, with more frequency than is usually allowed, partly from a feeling of compassion to all the parties, and partly from a hope that in such cases as the present one, warning may be taken by those who

witness the convict's misery, should they be in any danger of treading in his steps. I was present at two meetings between the Clarkes and their relations. The visitors on the first occasion were the father, the boy Edward Clarke, and a young man introduced as a cousin. They were all expensively dressed for their station; the father's appearance was rather prepossessing; the boy, though good-looking and well-clad, showed to an experienced eye the unmistakable and undisguisable physiognomy and manner of a bold and practised thief. Creditable natural feelings were shown by all parties, and many tears were shed by all but the girl, who seemed most anxious to keep up the spirits of the others. Old Clarke, habituated to the *short imprisonments* of his children, seemed unable to conceive that he now saw them in a more serious predicament. Almost the first words he spoke were, 'Now don't fret: sure you'll not be here for more than five months: I've sent a letter to General W——, and he'll soon get you off.' The convicts themselves were well assured that such expectations were utterly vain; but the father could not be made to comprehend that General W—— neither could nor would interfere with the course of justice. After the interview, R. Clarke told me that the young man introduced as a cousin was no relation at all, but a former associate, then living with the old Clarkes, and named M'Giverin. At the second visit, there came both the old Clarkes, O'Neill's mother, Edward Clarke, the younger sister, a fine-looking child of eleven or twelve, and a girl who lived with the Clarkes as Richard's mistress. Old Clarke, also, not content with bringing M'Giverin again, introduced another 'cousin,' a well-dressed man of about thirty. When Richard Clarke, the convict, was asked who these two men were, his father stepped forward and answered for him—repeating the falsehood he had already told, and persisting in it, until his son plainly declared the real names and characters of the two '*cousins*.' When remonstrated with for practising such duplicity at such a time, all that could be obtained from the wretched man was—'Well, sir, I ax your pardon: sure I did not know the rules of the place.' At this interview, Colonel Martin and myself being present, Edward Clarke was allowed to communicate freely with his brother and sister. At one moment he appeared oppressed with the bitterest feelings, and the next was relating something with an air of eager satisfaction. When his relations had gone, Richard Clarke made the following statement, which I took down *verbatim* at the time. 'My

little brother told me this morning, that last Saturday night he got 15*l.* in sovereigns, at the Bank Top station, and that yesterday (Monday), he got 5*l.* in Manchester. The two men that came to see me this morning are Thomas M'Giverin and Henry Kelty. M'Giverin has been a thief about five years; he has two brothers who are thieves. Kelty is about thirty years old; he has been a thief, *in all ways*, about twenty years. Kelty is only just out of Liverpool Gaol, where he got six months for a watch. I think he and M'Giverin came to see me out of curiosity—to see whether I was *hard* or not.'

"I have dwelt longer on the history of this family of pickpockets than may seem necessary, but I have done so from a desire, as I have already said, to lay open as far as I can—what is too little known or considered—the character and proceedings of this portion of '*la classe dangereuse*,' to impress upon the public the enormous loss it sustains by their depredations, and to suggest the necessity of resorting to more efficient means, whether by new legislative enactments or by a sterner application of existing statutes, for the repression of an evil which I believe to be greatly on the increase. Even if pickpocket gangs were not becoming more numerous, the rapidity and ease with which they reach, by the trains, any place which they think worth '*working*;' the facility, the impunity with which they *do* 'work' the railway carriages and stations especially, these are circumstances demanding effective means of counteraction, or, at least, such a punishment, when the offenders are detected, as shall hold out an emphatic warning. There are now many hundred pickpockets robbing at the rate of 300*l.* to 1,000*l.* a year, who boldly follow their trade, under the idea—too much justified by their past experience—that their particular line of practice involves but small risk of transportation; while its gains are certain and easily obtained. Even when apprehended, 'legal assistance' is generally forthcoming to aid the chances of escape. A short time after the conviction of the Clarkes, a boy named O'Brien, alias Johnson, alias *Slaver*, was caught in the attempt to pick a lady's pocket in Preston. The boy's accomplice, a man who had trained him, and who lived upon the produce of his robberies, escaped, and reached Manchester in time to secure the professional services of a rather celebrated attorney, who came to Preston to appear for 'Slaver,' and extricate him from his dangerous position. The boy's skill as an *apprentice* pickpocket made it worth his *master's* while to incur the expense (probably

10*l.*) of hiring the 'best professional aid.' Slaver was convicted, however, as a rogue and vagabond, and sentenced to three months' imprisonment; and for that time his master was deprived of the income obtained through the boy's thievish skill. O'Brien was recognised as an old associate by Richard Clarke, and ere long, three more of the Manchester corps underwent the same recognition. These three had been caught while 'working the fair' at Burnley. Being ably defended, they were convicted with some difficulty; but, *then*, the records of their past career being produced, the sentence of transportation followed.

"When a few days had elapsed after conviction, these men, Flanagan, Thompson, and Bohanna, showed the same inclination to be communicative as the Clarkes had shown. I cannot assign altogether creditable motives for this solicitude to confess, though I have no doubt whatever that the confessions themselves are substantially true. The unhesitating way in which the convicts name or betray their old associates, still at liberty and 'carrying on,' is certainly extraordinary. No doubt the individual separation, and many circumstances attending it, have much to do with the inclination to tell everything—at least such disclosures would seldom or never be made by convicts under the old plan of association; and the full persuasion that their career is at last ended, accompanied by the growing consciousness that it has been a *sinful* one, and by so much remorse as seeks alleviation by making 'a clean breast;' —these influences and motives, mixing, I fear, with a depraved kind of vanity, may perhaps explain the otherwise unaccountable readiness and eagerness with which these unhappy persons narrate every particular they can remember of their own history and that of their former associates. In the appendix I give the statements of Thompson and Flanagan. The history of Flanagan's long course I believe to be literally true, as regards himself; and the account he has given in respect to others, I am induced to rely upon, because he always appeared anxious to discriminate, and careful to disavow a good deal with which he might have swelled his narrative, had he been unrestrained by a regard to truth. The undoubted fact, also, of his having lived about fourteen years entirely by thieving, renders his account quite credible, even if no weight were attached to the general, and, in many points, particular agreement between his relation and those given by O'Brien, the Clarkes, &c. An unexpected confirmation of his statement, in regard to *girl* pickpockets, has been supplied by

my friend, Mr. Thomas Wright, of Manchester. That gentleman informed me, some months ago, that while pursuing his benevolent labours among the outcast and friendless in the New Bailey, he came in contact with a little girl, who had been brought over a short time before from Dublin, and was apprehended for a robbery from the person of a lady, under circumstances which showed great skill and long practice in the child, and, at the same time, that she was an instrument—an apprentice pickpocket—'working' for concealed employers. A part of Flanagan's account seemed to bear directly on this child's case; and Mr. Wright having kindly favoured me, in writing, with what he remembered of it, I beg to quote his words previous to submitting Flanagan's exposure of the terrible system which, in effecting its nefarious purposes, uses, without compunction or scruple, these poor infants, sacrificing them, body and soul, to Mammon in his most hideous form. Mr. Wright says: 'A little girl, whilst an inmate of the Salford Gaol, related that she had been brought from Dublin by two women on purpose to pick pockets. They dressed the poor child in the character of a little maid, and thus attired, she followed a lady into a silversmith's shop in King Street, and succeeded in extracting from her pocket a purse which contained twenty sovereigns. She afterwards followed a lady into the Fish-market, and again succeeded in extracting this second lady's purse, with which she was making off, when the lady discovered her loss. The fishmonger said no one had been near her but her little maid. She declared that she had no little maid with her. The child was overtaken and placed in charge of a police officer. When searched she had upon her person the two purses; of the contents of the second I was not informed. She was tried at the following sessions, and sentenced to six months' imprisonment. I apprized her father a little before her liberation. He came over, and I have not since heard of them. Some time back much of the crime of this description was committed here by children, *most of whom came from Ireland.* Press the matter upon the public, that Government may adopt some practicable efficient plan commensurate with the evil.' Flanagan's account is this:—'These girls are natives of Dublin: when at home they live in Thomas Street, in the Liberty. When they came to Manchester, they were quite plain in dress, and no person on earth would suspect them. I believe there is nowhere their equal in being expert at ladies' dress pockets. When they first came to Manchester they got immense of money in shops

and omnibuses. . . . . When an omnibus leaves Market Street for Oxford Road, Cheetham Hill, or elsewhere, they get into it, and being dressed like any gentleman's girls, with one of these French baskets in their hands, ... they get close beside a lady and contrive to place their shawl or mantle over the lady's dress pocket, which *shades* their hand, &c. . . . . When these two girls and *their mother* and myself was getting a glass of liquor, they told me they was often sending twenty pounds to their father and brothers in Dublin.'

"To the progress of civilization, in one particular, is attributable much of the increased crime as regards pocket picking. Railways, while they have added to convenience and luxury to a great extent, have also increased the '*demand*' for skilled thieves;—so much may be done by them in the trains, in the stations, and at the attendant omnibuses. Yet surely these encouragements and facilities to crime arising out of the railway system are susceptible of counteraction. It is well deserving of note that a fashion in dress may lead to a fearful increase of crime and criminals. Flanagan and the Clarkes—as well as other 'authorities' on the subject—declare that *ladies' outside pockets* are the cause of many boys and girls being tempted to begin *wiring*. For this department of the thieves' business, men and women—unless of low stature—are unfitted; and, therefore, the master thief, who has become too tall for practice in that line, takes in pupils, by whose gains he is maintained 'in style.' 'At this time,' Flanagan affirms, 'there are at least ten times as many boys *wiring* as there were when I was young. Kelty, who has been up to everything for twenty years, trains these boys. He has pointed to a lad, and said to me, "There's one of my bringing out!'"

"The extensive demoralization laid bare by the disclosures of the Clarkes, Flanagan, and others, cannot but shock the religious sense of every one who labours for, or desires, the real welfare of all classes. No doubt it is the moral aspect of the case which is, beyond all measure, of the greatest moment; at the same time it will not diminish solicitude in the matter if I present an economical view of it, and show how much the public has, probably, been plundered of, by the parties of this very small detachment from the pickpocket division of '*la classe dangereuse.*' Flanagan's fourteen years' course, and Kelty's twenty years'—the latter worthy being still in practice—show, too plainly, that the law, or at least the police, is unequal to a successful contest with such characters, and it

may, therefore, be of service to exhibit to the public the amount of depredation they are exposed to, in order that they may obviate by their own watchfulness, those losses which, if once sustained, can seldom be recovered. The estimate offered is framed from a comparison of the separate statements made by each of the pickpockets, and after careful examinations of them.

"Estimate of the loss inflicted on the public by the undermentioned pickpockets, &c. during their several careers:—

1. Richard Clarke during	a career of	6	years,	£2,820
2. John Clarke	„	5	„	500
3. Edward Clarke	„	3	„	1,650
4. Ellen Clarke (O'Neill)	„	2½	„	1,550
5. John O'Neill	„	9	„	1,450
6. Thomas O'Gar	„	6	„	300
7. James O'Brien	„	3½	„	1,400
8. Thomas M'Giverin	„	7	„	1,900
9. Thomas Kelty	„	20	„	8,000
10. John Flanagan	„	14	„	5,800
11. John Thompson	„	5	„	1,800
12. John Bohanna	„	6	„	1,500
13. J. Shawe	„	3	„	600
14. W. Buckley	„	7	„	2,100
15. Sarah Dickenson	„	3	„	630
				£32,000
Deduct for time past in prison . .				7,000
				£25,000
Add for prison maintenance, cost of prosecutions				1,500
Cost to the public of fifteen pickpockets during their career				£26,500

"While the beer-shops, and other similar places of vicious and ruinous resort, are effecting their work on men and women; 'singing-rooms' and 'dancing-rooms' are training up boys and girls to familiarity with vice in every shape. Two of our officers, desirous of judging for themselves

as to the character of a 'singing-room,' visited one in Preston, and subsequently placed at my disposal a written account of what they saw and heard. I rely upon that account as confidently as if I had myself witnessed what is described in it; and it is the knowledge of such demoralizing agencies being at constant work, which justifies my assertion that 'the progress of good is outstripped by the progress of evil.' The account I refer to, speaks of *seven hundred boys and girls* collected together to have their bodies poisoned with smoke and drink, and their minds poisoned with ribaldry and obscenity! Can any one have a doubt that the evil wrought in such a 'singing-room,' in a single night, outweighs all the good that can be effected by a dozen Sunday Schools in a year! If there be such a doubt, it may perhaps be shaken by the fact, that *more than* 60 *per cent. of the degraded persons committed to this Gaol, were, at one time or other, Sunday-school scholars.* A yet more terrible commentary on the short history of a night at the singing-room is supplied by the committal to the assizes of four Preston *boys* for a crime, alleged to be perpetrated under circumstances which would be altogether incredible to persons entertaining the opinion that the country is sufficiently civilized. Seven boys were apprehended on the charge mentioned, and no doubt all were present at the scene of the crime. Six of these young criminals avowed to me that they were frequent attendants at the 'singing-rooms' (the seventh boy I never saw); and there is plainly no injustice, therefore, in attributing the conduct which gave rise to the charge against them, to the infamous encouragement and excitement they had found in these rooms. Now, the demoralization of the singing-rooms being matter of notoriety, the question will present itself to the minds of many, is it possible that such a crowd of young persons can be brought together to be practically taught all that is vile and destructive, without any check *from parental authority?* Possible! I only affirm what can be corroborated by hundreds, that on a Saturday night—it was on a Saturday night the room was visited—while the children are squandering their 'spending money' or their wages, here in the singing-room, the father is in the beer-shop or alehouse; the poor mother, alone, is at home waiting by her cold hearth for the miserable pittance which will be left to support the house when her husband's debauch is over.[1]

[1] It may be asked, how does this enormous amount of juvenile profligacy at the 'singing-room' consist with the marked diminution of juvenile committals? I

"The influence of the kind of drama witnessed by our two officers, is well seconded by a literature to correspond. The Jack Sheppard and Jerry Abershaw school of romance, besides receiving constant additions from native sources, has been enriched by numberless fictions from the French, so that no possible phase of profligacy remains unrepresented to the excitable and emulous youth of both sexes! And this horrible trash is greedily devoured by those who have just left our Sunday Schools, where we have contrived, by desecrating the Book of Life into a task-book, to make it an object of distaste!

"The commixture of ignorance and knowledge—ignorance of good, and knowledge of evil,—brought to light by the examination of prisoners, is astounding even to those who might be supposed accustomed to it, viz. to Governors and Chaplains of Gaols, while it is, unfortunately, a matter of incredulity and indifference to those who, would they only believe it or look into it, might exercise great influence in bringing about a better state of things. Here is the result of the summing up of my '*prisoners' character book*,' for the last year, with regard to certain points illustrative of the ignorance and knowledge I speak of, and evincing the truth that evil is increasingly prevalent over good.

"Premising that I speak with reference to the 1,636 *males* under sessions and summary committals, it is *a fact*, that

674 of them were unable to read in the slightest degree.

646 ,, were ignorant of the Saviour's name, and unable to repeat a word of intelligible prayer.

977 ,, were ignorant of the reigning Sovereign's name.

957 ,, were incapable of attaching any proper meaning to such words as 'virtue,' 'vice,' 'righteousness.'

1,111 ,, were unable to name the months of the year in their proper order.

479 ,, were unable to count a hundred (excepting in some cases by scores).

"So much for the *ignorance* of the portion which, under act of Parliament law, has been separated from the great mass existing amidst

answer — the *reputation* of the prison makes the young evil-doers careful to avoid whatever might involve a risk of committal to it. The 'spending brass' which the factory boy *allows himself* out of his wages, is more than sufficient to purchase his *dearest* pleasures at the 'singing-room;' and the fear of 'Preston House of Correction' keeps him within *some* bounds.

almost utter forgetfulness and constant violation of a Greater Law. As to the *knowledge* possessed by these same individuals—who know so little about their Redeemer, and are so destitute of words in which to address Him—*seven hundred and thirteen* were well acquainted with the exciting adventures and villanies of Turpin and Sheppard;—knew that they were famous robbers and prison-breakers; admired them as friends and favourers of the poor, inasmuch as if they *did* rob—'they robbed the rich for the poor;'—and were only not sufficiently alive to the fact that these heroes were, at last, hung!

"The preponderance of evil over good!—It may be seen in a thousand deposits in the pawn shop for one in the savings bank, in a thousand revellers in drink and debauchery on a Saturday night—not one of whom attends the worship of God the next day! And this is permitted,—sanctioned;—Mammon and Moloch,—the greed of gain,—'the lusts of the flesh,'—dancing rooms, singing rooms, beer-houses, and brothels; pestiferous books in penny numbers, obscene dramas which may be witnessed for twopence,—are all doing their appointed work, and no law interposes. No voice of authority cries, 'Stay! The people shall not be destroyed!' No: our jealous notions of liberty protect every man's right—however poor or ignorant he may be—to degrade and ruin both himself and his family. Indeed, there is a greater unwillingness, in matters of this kind, at least, to interfere with the labourer's freedom of action than with the rich man's. The 'hell' for *high* life is vigilantly watched, and as far as possible, put down; the '*lower* deep,'—the gambling beer-house,—swallows up its thousands, while the law scarcely stirs or speaks! Surely the '*laisser faire*' system is carried too far. It should be borne in mind that good institutions cannot, in themselves, remove deeply seated evils, any more than wholesome seed, let it grow ever so vigorously, can eradicate the briars and thorns which bad husbandry permits also to grow, but which must be rooted out before a harvest can be gathered. Good is contending with evil at an immense disadvantage; and until the fangs of the serpent are drawn, the efforts of those who combat him are of very little avail. His fangs *may* be drawn: the moral mischiefs I have mentioned are not *irremoveable*. If a statute could be framed to protect the thoughtless but *educated* 'young man of family,' by virtue of which the gaming house is broken up, which would otherwise ruin him, what are the difficulties which forbid similar enactments for

securing the safety of those whose *ignorance* gives them a better right to protection?

"In fact, as regards the moral well-being of the great mass of our fellow-subjects, there seems to be a kind of apathetic waiting for the effect of certain educational measures. Though there are very many persons of all ranks and degrees who might be doing something, in the mean while, to check the evils of the time, they appear to think that, by and bye, those evils will die out; as Sir Abel Handy, after some ineffective attempts to stop the conflagration occasioned by his own folly, took refuge, at last, in the plan of letting the fire go out of itself . . . .

"Historians have concluded, in treating of the fall of a past civilization under the attacks of barbarians impelled from distant regions, that the recurrence of a similar catastrophe is scarcely within the bounds of probability. From the irruption of external barbarism, doubtless, this country has little to fear. But, internally?—Providence frequently offers significant and weighty lessons to human thought in the fate of 'the poor insect that we tread upon.' Observant naturalists often perceive the summer caterpillar, while feeding amidst abundance, and apparently enjoying its humble existence, suddenly to undergo a change. No enemy threatens from without, but the creature is manifestly suffering; and, after a term of torture, at length it expires, *devoured from within!* Destroyers generated in the body of the victim had been permitted to acquire their power unheeded,—until too late!"

To C. J. H——, Esq.

"Preston, 1851.

". . . . Among the many thousands who *have been* ruined, and the many thousands who are now running to ruin through drink, a large portion have been led away, at first, by fondness for 'company,' for 'music,' 'dancing,' 'gaming,' &c. Music, dancing, &c. are therefore employed as *lures* to draw the thoughtless persons, who having no fondness for liquor would easily resist the mere temptation to drink. But the occasional 'glass' taken, at first, merely for the 'good of the house,' and perhaps against the inclination of the drinker, soon creates a fondness for stimulants, and the drink, which, at the outset, was a drawback to the promised pleasure, soon becomes the *first* object of gratification. It is then, that resort to the singing-rooms is exchanged for resort to the beer-

house, where the grossest sensuality can be indulged in, where Saturday night and Sunday can be spent tolerably secure from interruption by the police, and where, when all the drunkard's *money* is gone, he may still have more drink as long as he has tools or clothing to exchange for it.

"As to the remedies for this unhappy state of things—these disgraces to our national character, and to our legislative functions—the first is the diffusion of sound religious knowledge; for it is literally the fact that 'the people perish for lack of knowledge.' With scarcely an exception, all the disgraced and ruined victims of drinking houses whom I have conversed with, are grossly ignorant; no better than heathens living in a country called Christian from the *minority* of its inhabitants; no better than savages in the midst of what we call civilization. But something should be done, while education is being talked about, to diminish the power, the destructive power of the drinking places. I would desire, at least, that singing-rooms, &c. should be entirely separated from drink-selling, and that it should be an offence, punishable by heavy fine and deprivation of licence, for a singing-room proprietor to have intoxicating liquor sold on his premises; and, conversely, for a vendor of liquor to have any connexion with singing, dancing, &c. I would no longer permit beer, &c. *to be drunk on the premises* of the beer keeper. The public-house is more than sufficient for the demoralization arising from that practice. The original justification for the passing of the beer bill, was that it would enable the labourer to obtain a cheap, good, and moderate supply of beer to his daily meals; but the result has been that where one shilling is spent in this justifiable manner, one thousand pounds are squandered where beer is 'licensed to be drunk on the premises.' I have no hope, however, that any *energetic* measures will be taken by our slow and dilatory legislature for the suppression of the greatest social and moral curse to which the working man is exposed. Sir John Pakington's proposed bill will, no doubt, effect a mitigation of the great evil, if resolutely enforced. He has sent me a copy of the draught of his bill, and I hope to be allowed to suggest to him that, among other clauses desirable to be introduced, there should be two—one to deprive of his licence any beer-seller *who shall take anything but money in payment for liquor;* and the other to make *debts for drink irrecoverable.* . . . ."

From Report for 1851.

"Uttering of base coin, which, for the eight years before the last, had only required three prosecutions yearly, in the last year has demanded eight. The class of men convicted of this offence,—and the increase of the offence itself,—suggested the propriety of investigation. For some years the great majority of utterers have been natives of Ireland, many of whom, and also some of the English utterers, have called themselves 'navvies.' . . . . W. S., whose general accuracy I rely upon, says that, in London, 'nearly all the smaller coin is purchased and uttered by the lower class of Irish.' The observant and experienced E. R. says, 'The utterers of "*Snide pewter*" (base silver) are almost all Irish. It is, I believe, made in low cellars of large towns, *and in the common Irish lodging houses.*'

"That our own country is heavily taxed by native 'smashers,' any one will believe after glancing over the terrible history of the H. family. Among the many painful narratives I have heard and read, in the performance of my duties, I cannot recall any more painful than these. An intelligent and industrious operative, having saved £30, ventures on marriage; obtains constant employment at high wages, and, at the end of a few years, finds himself worth 'more than £200 in money, and as good furniture as any working man need have.' It might be supposed that a sum so creditably accumulated, would be carefully husbanded to meet the demands of an increasing family, and to secure comforts for declining years. And such might have been the case, but for the working man's insidious and most deadly enemy—drink. 'A glass, now and then, on a Saturday night,' is indulged in. 'The Tempter saw his time.' The 'glass now and then,' is the thin end of the wedge which, once introduced, is quickly driven home,—riving the drunkard's once prosperous, happy and united family, into ruined fragments.

"Wife, son, and daughter, Satan, are thine own!"

"Nay, the fiction is outdone by the reality here!—a wife, *two* sons, and *two* daughters have long ago been under a dominion from which there can be no escape but by the especial grace of Him with whom '*all things are possible.*'

"Among J. H.'s drinking associates were two who never worked, yet were never in want of money; and by them the man who, a few months

before, had known and valued the blessing of well paid industry, is easily persuaded that 'none but horses and fools will work.' The secret is imparted to him by which he 'could get as much money on a Saturday night,' as he could have earned, formerly, by a whole week's work; and so he entered on the career of a '*smasher*,'—a passer of base coin. The very small amount of capital required to set up a rogue in this branch of trade, is a great temptation to embark in it. An ounce or two of plaster of Paris, a common plate, a crucible, and a few Britannia metal spoons, of 'Messrs. Dixon and Son's' manufacture, are all that is required to commence business. Let us suppose these materials—including twelve spoons—procured, and the metal coined into spurious half-crowns, to the number of about ninety; the cost of producing them, exclusive of labour, has been less than 6*s.*; and a successful issue of them will bring a return of more than 10*l.* in good money, and the value of another 1*l.* in spirits, tobacco, tea, sugar, and other articles, purchased in the smallest quantities. The manner of uttering, as usually practised to the injury of the lower class of tradespeople, in Lancashire, is this: two—sometimes more—associates, having determined on a route for the day, set forth; one provided with the stock of bad money (the '*swag*'), and also with a large bottle—and often with a basket: the other carrying a small bottle, a *single* base half-crown, and some genuine silver. The latter—the utterer—leaving his companion at some distance, enters an ale-house, or dram-shop, demands two pen'orth of rum, tenders his base half-crown, which is taken, and he receives two shillings and four pence, and the spirit, in change. The good money and the spirit are carried to the accomplice, whose large bottle now receives its first contribution from the little one; the accomplice supplies another counterfeit for the next operation; and thus the nefarious game is played, sometimes with scarcely a check, for days together. Should a base coin be refused, good money is produced, and probably no more is said; even should the utterer be suspected, and the police be called in, nothing can be proved to justify more than a short detention. It would seem, from the statements made, that the passing of counterfeit coin is effected with unusual ease in this county. The success of the direct and simple operations of J. H. and his colleague, 'the old man,' certainly argues a great want of quickness, as well as the absence of suspicion, in the small shopkeepers and small liquor dealers. The amount of injury inflicted upon the humbler classes, in Lancashire, though

impossible to estimate, must necessarily be very great. Upon a fair calculation it may be supposed that J. H., who began his practices about January, 1845, must have passed, in conjunction with his few associates, within the thirty months during which he was at liberty, about 600*l*. The son, who has 'travelled' more extensively than the father, and cultivated a much wider acquaintance among the professional *smashers*, says, 'I have been in places where nine or ten men have been at work as fast as they could drive all night and next morning; they would sit like tailors, making ready for Saturday night.' 'More men,' I am told, on the same authority, 'travel in Lancashire, with bad money, than in any other county.' We are furnished, too, with a list of wholesale dealers in the article. 'W. keeps two or three men regular to sell it out for him.' . . . The retailers are 'men going about to fairs, boxing-men, dog-cart men, travelling parties going about with shooting galleries, travelling hatters, umbrella-menders, vendors of tin ware,[1] low Irish hawkers,' &c. &c. Almost all these men are attended by female accomplices,—whom E. R. describes as generally being 'deeply marked with bruises, scars, and intemperance. I should think,' he says, 'their appearance alone would put people on their guard against them.'

"The great comparative ease with which bad money may be put off in such districts as those travelled by J. H., appears from the fact that he never alludes, in his very long narrative, to the necessity of being able to *swallow* base money in order, on an emergency, to escape detection.[2] It is understood, however, among those who pursue their trade where suspicion is more alert, that it is most dangerous to attempt to pass any coin which the utterer could not swallow.

"It is scarcely necessary to add, that greater caution and ingenuity are necessary in some places—in large towns, for instance—than in others. J. H. jun. states, that 'they are very sharp in Leeds and Bradford.' T. Mc. D., whose rounds embraced twenty-five counties, says, 'We were disappointed at Oxford, for they could tell them as well as we could. . . . London was very hard to pass bad money in.'

[1] J. H. jun. explained to me that these travelling sellers of tin ware keep a portion of the stock in their baskets to secrete base coin. For instance, the *handle* of a flour-scoop will contain a considerable number both of shillings and half-crowns.

[2] In a subsequent conversation with this man, he said that he had seldom been required to resort to this practice; that he could not swallow any coin larger than a shilling; but that, on one occasion, apprehending capture with the "swag" in his possession, he *did* swallow thirty-six shillings—with impunity.

"The *most* dangerous and demoralized classes in the country, are to be found among '*travellers.*' The word 'traveller' conveys to the ear of a criminal a very comprehensive meaning. E. R. tells us that 'travellers, in other words, are thieves, swindlers, bullies, ruffians, beggars,' &c. Attaching to it, themselves, the meaning here given to the word, many of them do not yet seem to be aware that the public may soon learn to assign the same meaning to it; and that for a man, placed in circumstances of suspicion, to call himself a 'traveller,' is tantamount to admitting that, *primâ facie,* he is a character deserving of suspicion. On committal to our prison, such persons, in answer to my questions regarding their means of livelihood, unhesitatingly reply, 'I travel,' or, 'I go about with nuts and oranges;' thus, to all appearance unconsciously, making an admission which goes far to warrant an assumption of guilt. These demoralized people are, I fear, on the increase, and have been so for the last three years. In this part of the kingdom their numbers are swollen by the immigrant Irish, and by too many of the grossly ignorant among our own people, in whom high wages have encouraged drinking until the vice has become uncontrollable, and the victim of it takes to *tramping* in search of employ. The wandering habit, once begun, is seldom thrown aside; the tramp, stimulated and instructed in the lodging-houses and beer-shops, soon becomes a 'traveller;' and, according to his inclination and ability, begins to '*work*' at whatever villany best suits him—from the impostures of the begging letter writer to the truculent violence of the housebreaker.

". . . . The statements made to me by the members of the Uckfield gang—viewed in connexion with what is related by E. R., W. S., and others—plainly reveal the fact that almost the entire kingdom is perambulated by thousands of men, women, and children, living solely on the fruits of impostures and robberies. The majority of these degraded and dangerous people constitute the chief support of the vile lodging-houses and beer-houses; many are to be found in travellers' and Gipsies' tents, camps, sleeping-vans, and house-wagons. Living in a mere animal condition, they exhibit most prominently the animal qualities of cunning and cruelty; and not a few among them would never hesitate to kill, where to do so would remove an obstacle to the more complete accomplishment of their purpose when engaged in house-breaking. . . .

"If any apology be requisite—as I fear it may be—for the unusual length of this Report, I beg to offer this. Having completed thirty years

of my chaplaincy, and having been instrumental, during that time, in assisting to effect changes which have resulted in the establishment of a mode of discipline approved by persons whose studies and experience qualify them to judge of it, I have felt desirous to avail myself more fully of an opportunity—which, I am conscious, will, most probably, be my last—of submitting to the magistracy the details I have collected regarding the criminal state of the county, the views which I venture to hold on the treatment of imprisoned offenders, and the evidences of the success which seems to have attended that treatment.

"I should much regret, however, were it thought that I feel diminished interest in the work appointed to me. On the contrary, my interest in it increases; but I am sensible that, though I see more plainly every day the necessity for greater exertion, and opportunities for greater usefulness, the ability to meet these exigencies is fast departing. Looking back through my thirty years' ministry among the ignorant, and the erring, and the outcast—while I have to lament many mistakes, 'negligences, and ignorances,' I have much to be thankful for. I have especially to be deeply thankful for having been permitted to witness the progress of that humanizing and essentially Christian treatment which promises to raise many a criminal to his proper place as a man, and which, by the Divine blessing, has already been the means of turning many a misguided heart '*from the power of Satan unto God.*'

> 'If they who hate the trespass most,
> Yet, when all other love is lost,
> Love the poor sinner, marvel not.'

"If I have appeared, sometimes, to lean too much to the imprisoned criminal, it has been because I have recognised in him a fellow sinner whose condition is more degraded than my own only because his advantages have been fewer. Had our opportunities been otherwise distributed, which might have been the Chaplain, and which the prisoner?"

To Lord Stanley.

"Preston, 23rd January, 1854.

"I do not propose to suppress burial clubs entirely, but to limit their operation to the purpose for which I imagine they were originally intended

—viz., the defraying of the actual funeral expenses of a deceased member. By 13 & 14 Vict. c. 115, 'No sum is to be paid on the death of a child under ten years of age, except for the actual funeral expenses, not exceeding 3*l.*, which shall be paid the undertaker,' &c. But 'this act is to be in force' only for one year after 'the time of passing, and thence to the end of the next session of Parliament,' so that the restraint intended is no longer, even nominally, the law; and, in point of fact, never took effect at all. If the clubs were actually limited to the funeral expenses, there would be no objection to the providing such expenses for young children; but there would seem to be a difficulty in enforcing the non-payment of money. So far every enactment to that effect has been a dead letter. Old established societies were not induced to deviate for a moment from their practice of *money* payments; and new, unregistered societies, altogether illegal in their constitution and practice, were allowed —*are* allowed to exist, and to provide such temptations as led to the last Stockport murder of the two boys. Mr. Tidd Pratt wrote to me a short time since, 'In the late case at Liverpool, I have ascertained that the children's lives were assured in societies which were not enrolled, neither were the rules certified under the Friendly Societies Act.'

"Something more vigorous and resolute, therefore, must enter into future legislation on this subject. The standing apology for burial clubs, which is always, in one form or another, put forward in their annual reports—is, that the parents of a deceased child are by their means relieved from the necessity of applying for parish aid; or, to quote from the last report of the Blackburn club, from 'the old, drunken, demoralizing, and pauperizing system of begging from door to door, in order to bury the dead.' If means, therefore, can be found to render *money* payments by a club impracticable, and to confine its operation to the *undertaking* of funerals, I would not object to the entry of children into such a club. I think that an ailing child would not be neglected for the sake of a gratuitous funeral; though there can be no doubt that hundreds of children have been allowed to die for the sake of the money payable on their death—the amount of which money depends on the number of clubs in which the child may have been enrolled. The chief object of legislation for burial clubs should be—*the effectual prohibition of money payments*, whether in respect to infants or adults. Most probably the effect of such a prohibition would be the rapid decay of the clubs—a

result not to be lamented in itself—and which would go far to prove the existence of the objectionable motives which had been imputed to their supporters.

"Theoretically the burial club and the insurance office proceed on the same principle; but we have seen that in its working and effect, the former is widely mischievous, while—from all that appears—the latter is very rarely so. These opposite results are due, partly to the difference between the classes insuring, but chiefly, I think, to the difference in the characters of the respective *officials*, and in the way they fulfil their duties. Claims upon an insurance office are investigated with such care and jealousy as effectually to discourage the slightest tendency to irregularity in any shape. I believe also, that it is necessary that parties making claims should be able to satisfy the office of their interest in the *life* of the insured, except in such cases as the sale of a policy, &c. On the other hand, the burial club officers only require that 'the party applying should bring the registrar's certificate of death, a certificate from a surgeon, and the payment card,' 'to insure the prompt and lawful payment of the funeral money.' I now quote from the recent report of the Blackburn society—the passage being printed in large type. On the facility of obtaining payment depends the popularity of the club; and payments are never refused unless there may be something notoriously gross in the case. It is the interest of the insurance company, whose profits depend on the excess of the premiums over payments, to make their official servants watchful, both as to the admission of lives and to the payments of demands.

"In burial clubs there are no *profits* divisible among a *company* whose interest would be promoted by throwing obstacles in the way of claims; on the contrary, the more numerous the payments (and entries), the more for the interest of those who make them, 'collectors,' 'treasurers,' &c. The report of the Blackburn club to which I have adverted, has come out since the publication of my brochure. The number of members is given as 58,000 (more than one half the number being from 'country districts'). The funerals amounted to 1,513, of which 994 were of 'children under ten years of age,' and 519 of 'adults.' The report speaks of 'a great increase of deaths in consequence of the prevalence of scarlatina and other epidemics.' The increase of infant deaths must, indeed, have been fearful, for they constitute no less than

65·7 per cent. of the whole. Infants under two months old are inadmissible to the clubs: were it otherwise, with regard to this Blackburn society—*i. e.* were it to enter children from birth—the infant mortality of this club would be more than 70 per cent. of the entire number of deaths! *All* the deaths in Preston for the same period (Preston has thirteen burial clubs) showed a proportion of 59 per cent. under ten years of age.

"Your lordship will see that I do not recommend the complete suppression of burial clubs—even in respect to infants; but I do venture to urge that energetic measures should be taken for the effectual abolition of *money payments* in every case.

"It would be well if the Legislature could encourage the formation of *life* lists when it coerces the action of '*death* lists.' Associations might be formed which should assure decent funeral observances in the event of death, and a *money payment* in the event of life, for five or ten years. I am unable to make the necessary exact calculations, but I imagine that a premium of 2*d.* weekly, commencing at *birth*, would be sufficient to provide for the cost of proper interment (twenty to twenty-five shillings) in the event of a child's death, or for the payment of 2*l.* on its attaining the age of five years, with the like sum on its attaining the age of ten years, and so on. When the child of a poor person has passed its fifth year it is in comparative safety, for while death takes place under five years, at the rate of 55 to 65 per cent., between five and ten years the rate is only 2 to 3 per cent.

"I propose this plan, as a means of promoting care and attention to infant life, through the same inducement which is now encouraging the neglect of it. Such a plan set up in mere rivalry to the existing schemes, would, I fear, meet with little success; but as the only one by which the poor could save expense on the one hand and gain money on the other, it might, in time, be made available; and it would be a good thing to have pecuniary profit and care of their children associated together in the minds of the labouring class. At all events, if some such measures as those I now submit were not well received by the numerous body for whose benefit they are suggested, a very strong, but very sad, argument would be furnished for more strenuous and wider action on the part of the social and religious educator; for I cannot imagine a more startling, a more appalling—proof of the necessity for such action, than would be

evinced by the fact, that, though the population of such towns as Preston and Blackburn enrol children by thousands in clubs which promise *money* as a consequence of those children *dying*, they are indifferent to such an advantage as a consequence of their *living*.

"I will endeavour to obtain a printed copy of the report of the Blackburn club, to transmit to your lordship. The report will show that, while Mr. Tidd Pratt and Lord Shaftesbury (who has most kindly written to me on the subject) suppose that an 'existing act' (13 and 14 Vict. c. 115, sec. 3) 'carries into effect the proposition that *no money should be paid to parents and others by the burial clubs*,' 'the Blackburn Philanthropic Burial Society' boasts that its rules 'underwent the strictest scrutiny of the barrister appointed to certify, &c.;' that they 'are in accordance with the *latest* enactments for the regulation of friendly societies,' and that 'the officers have endeavoured to prevent the slightest infringement of the law,' and then gives particulars of 1,513 *money* payments."

To the same.

"Preston, 25th Jan. 1854.

". . . I have forwarded to your address by to-day's train—I can only say with pleasure, in a certain restricted sense—a packet containing select specimens of the works read by too many of our (chiefly young) factory hands, and others of the same rank.

"I have been able to procure some *returns*, which may be relied upon, relative to the amount of the circulation of these publications, as compared to others of a less questionable character. These returns relate to Rochdale and Preston. The weekly sale is about the following:—

	Preston, at one shop.	Rochdale, at one shop.
"'Mysteries of the Court' . . .	144	120
'Claude Duval'	72	24
'Paul Clifford'	72	24
'The Reasoner	48	72
'The Leisure Hour' 'Household Words' 'Chambers' Journal'	each 12	each 12

"'Dick Turpin' and 'Jack Sheppard' are described as having a very great sale. Two works, of a more obscene kind than any of the above, 'Peeping Tom,' and 'The Town,' had each a sale of 72 copies weekly: both the publications are now, however, suppressed. The Preston shop

also sells about twenty-two different penny serials, having such titles as, 'Ela the Outcast,' 'The Brigand,' 'Jonathan Bradford, or the Murder by the Roadside Inn,' 'The Murderer's Vision,' &c. The average sale of each of these works is about 48, so that from the Preston shop upwards of 1,000 copies of this debasing trash are issued weekly, to be scattered through the surrounding district.

"The above numbers relate only to the business transacted with itinerant book-vendors, who come to the Preston and Rochdale shops for their weekly supplies. I was told two days ago at the Preston dépot, that about two dozen of these hawkers replenished their stocks there. While I was in the shop, about fifteen minutes, three persons were fully occupied in attending to retail customers, most of whom were purchasing trashy works. I counted eight purchasers at one time, all of them young, and three of them girls.

"The shop in Preston, though it deals so largely in this pernicious stuff, has also a very large sale for works more or less harmless, as well as for some that are positively useful. Of these better works, the itinerant retailers take, weekly,

"576 'London Journals.'
480 'Family Heralds.'
360 'Reynolds' Miscellany.'

In these works the shop in Rochdale carries on a proportionate business.

"A young and very intelligent Preston bookseller, whose business is, chiefly, in the better kind of cheap serials, has given to me the following account of his sales for the last week:—

"68 dozen	'London Journal.'		4 dozen	'Leisure Hour.'	
46 ,,	'Cassell's Family Paper.'		4 ,,	'Chambers' Journal.'	
29 ,,	'Family Herald.'		1 ,,	'Household Words.'	
26 ,,	'Reynolds' Miscellany.'		3 ,,	'Joseph Wilmot.'	Bad.
6 ,,	'Home Companion.'		1½ ,,	'Mysteries of London.'	Bad.
4½ ,,	'Cassell's Popular Educator.'				

"The publications of John Cassell have done much to foster an inclination for better reading, and there is good ground for hope that the popular taste is becoming more elevated by means of such good and cheap literature as his. I am told that 'from the success of Cassell's publications,' there can be no doubt that anything conducted like the old 'Penny Magazine,' or 'Saturday Magazine,' would have an excellent sale. If such works as 'The Leisure Hour' were only made as large, and consequently as cheap as the others, they would ultimately put the more trashy aside.

"It is an interesting circumstance, that during our deplorable strike, the sale of the penny publications has scarcely diminished, though the demand for higher priced works has. The pawnbrokers, also, tell me of a fact, which points to the inference, that reading is becoming necessary to the working-man—viz., that the number of books in pawn is now very much less than it was during the time of full employment. So again with respect to musical instruments. A respectable pawnbroker showed me, a few days ago, that though watches, tools, clothing, &c. &c., had accumulated in his stock to an unprecedented extent, violins in pawn were reduced to four;—in times of full wages and proportionate dissipation, the stock of violins often exceeded forty. I fear that I have trespassed too much on your lordship by the length of this letter, though I have yet to say what you will be glad to learn, that during the last day or two, there have been more evident symptoms of the coming adjustment of our great 'difficulty.'"

To the same.

"Preston, 4th Feb. 1854.

"I only returned from London last night, or your lordship's favour of the 31st ultimo should have been answered sooner. With respect to any additional testimony as to the effect of burial clubs, I find some memoranda of cases which have casually caught my attention in the newspapers.

"1. April, 1850. W. B. committed to prison at Leith, on a charge of poisoning his wife. Some days before her death he had enrolled her in a burial society, by which he would be entitled to 6*l.*

"2. July, 1850. W. R., aged nineteen, convicted of murdering his wife by poison. The deceased was entered in two clubs, from which 4*l.* and 6*l.* 6*s.* would be received by the murderer.

"3. August, 1851. J. B. tried at Chester for poisoning his child, the burial-money being the motive. 'Acquitted, to the evident surprise of the learned judge (Talfourd) and all present.'

"I have an indistinct recollection of other cases of a similar character, and I doubt not a fearful list might have been made out by any one having leisure to examine the 'assize intelligence' carefully. In Mr. Chadwick's 'Report on Interment in Towns' (Octavo Edition, p. 65), there is a note referring to Betty Eccles, who was executed at Liverpool, in April, 1843, for the murder of her child. She was charged, also, with

the murder of two others. Immediately after the murder, she applied for the burial-money.

"The frauds attempted on burial clubs, with more or less success, are numerous. I have a distinct recollection of the following:—A young woman of the better class of operatives, in very delicate health, came from Bolton to Preston, hoping to derive benefit from the change of air. A man, whose relations received the young woman in Preston, entered her into a burial club. After a time, the young woman returned to Bolton, and soon afterwards the man applied to the treasurer of the club (my informant) for the burial-money, alleging that the young woman was dead. The applicant was told that a certificate of the funeral would be required previous to the payment of the money. In a few days he produced what purported to be such a certificate, but suspicion had been excited, and my informant went to Bolton to ascertain the truth of the case—which was that the certificate was a forgery, the young woman being alive and in much better health. To escape prosecution, the delinquent absconded.

"As an example of a different kind of evil encouraged by burial clubs, I offer the following:—A man having lost a child from scarlet fever, received the burial fees, and immediately proceeded to spend them in drink, refusing to inter his dead child until the fate of a second one, also ill of the fever, should be made apparent. As the drunken father expected—or hoped—the second child died, and both the infants were buried in the same coffin; so that the funeral expenses being lessened, there was all the more to be spent in drink. . . . .

"My friend, Mr. Edwin Chadwick, having suggested my sending a copy of the pamphlet to Lord Palmerston, I ventured to act upon his recommendation, and to propose that encouragement should be given for converting the 'death lists' into life lists. I am very thankful that you have obtained from Lord Palmerston so distinct a pledge that burial clubs shall be abated. The Government, however, has often made promises of this kind which have not been redeemed. In 1843, Lord Normanby, referring to my Sanitary Report on Preston, obtained such a promise. In April, 1850, Lord Monteagle had the goodness to write to me—'I hope I may now feel confident that we shall have a remedy provided during the present session. The Government have given me an assurance that their attention is practically turned to the question. . . . '"

To the same.

"Preston, 31st Oct. 1854.

[After alluding to a proposed junction between a contemplated free library at Preston, and an existing mechanics' institute.] "I see no difficulties but topographical ones: but they appear to my mind rather serious. Our very handsome mechanics' institution is on the extreme verge of the town, and in a direction almost diametrically opposite to that in which the working classes chiefly reside, and in which new factories and streets are in process of construction. I have a strong impression that a free library should be located with a special view to the convenience of those for whose benefit it would be chiefly intended. Men tired with their day's work would be disinclined to walk one or two miles for a book, though they might not think it too much trouble to go to the next street for one. It is this difficulty of distance which is found to circumscribe the usefulness of our baths and washhouses. The working class in the immediate neighbourhood of the washhouses avail themselves of the advantages provided for them; but, with rare exceptions, the residents in more distant quarters neglect those advantages.

"Under these circumstances, I should desire to see at least two plain, substantial buildings put down, east and west, in the midst of our industrial population, to provide them with all the means of instruction and amusement which books, maps, &c. could afford. The additional expense would consist of the doubling of librarians, &c. It would not be necessary to double the supply of books, for even in a single library several copies of every popular work must be provided, and it would only be requisite, to distribute these works in the two buildings, instead of having them all in one.

"I venture to express a confident hope that if the contemplated free library were to have two centres of circulation (and, of course, two reading rooms), the number of readers would be twofold the number resorting to one building, however well placed—and, at least, threefold the number who would be attracted to a free library in the present mechanics' institution. But you will say that the amount of success for the free library will be the measure of the decay of the older institution, any decay of which should be deprecated. I venture to hope, on the other hand, that after perhaps a little interval the latter will become more

really useful than it has hitherto been; that it will gradually assume a more educational character, and have its classes and lectures resorted to by many who will have acquired a thirst for knowledge at the free library, and a desire to methodize it by more regular instruction.

"Mr. Edwards, the very able librarian of the free library at Manchester, has obligingly favoured me with some observations 'as to the working of that library relatively to the mechanics' institution.' 'I am happy to assure you,' he writes, 'that the managers of the latter are of opinion that the free library has not diminished the number of its members, although it appears to have lessened the circulation of books; less, however, as I believe, during the second year of their co-existence than during the first.' . . . 'I am inclined to think the field of the two classes of institutions is so different, that with a very moderate amount of discretion in their respective managers, their consentaneous well-being may more fully be anticipated than their rivalry.' . . . 'If, in practice, the free library should eventually tend to make the libraries in mechanics' institutions subordinate to the lectures and classes, might it not be an advantage rather than a disadvantage?'

"In Liverpool the mechanics' institution has for a long time been an educational one, 'for the benefit of the children of the middle classes, and the diffusion of knowledge by lectures.' I now quote a correspondent who says, 'Our free library is always full—too full for comfort. There is no question about its value being appreciated. It certainly does not clash in any way with the mechanics' institution.'

"I have trespassed, I fear, too much on your lordship's attention in attempting to show that if a union between our mechanics' institution and the free library cannot be effected, there is good reason to hope that each may fill a sphere of usefulness without rivalry with, or jealousy of, the other.

"In the meantime, I have reason to hope that 3,000*l.* may be raised, by private contributions, for giving effect to our project. Bolton, with 10,000 less than Preston of population, raised 3,200*l.* by subscription. . . . . .

"I have had a conversation to-day with the Chairman of the Working Men's Committee, the result of which is, that they will take immediately steps for collecting subscriptions among the operative classes. If it could be announced at a general meeting that the working men had raised

300*l.* or 400*l.* among themselves, as a contribution to the cost of the library, there would be all the greater disposition to promote an object, the value of which had thus been recognised by those for whose advantage it was contemplated."

From Report for 1853-4.

"An event like the great '*turn-out*,' or '*lock-out*,' in the chief town of North Lancashire, was certain to affect the moral and social condition of the place, and, consequently, the committals to prison. It will, therefore, be proper that I should here put on record some of the most important facts attendant on that unhappy proceeding, and of which cognizance may be taken in framing a report like this.

"The number of 'hands' thrown out of employ by the strike has been generally overstated. From information on which I can rely, I believe 18,000 to be a near approximation to the truth. . . . These figures do not represent the full extent of the suffering and compulsory idleness caused by the strike. We must add to them the number of persons who, though not employed in factories, were, nevertheless, dependent on factory labour for support—the parents maintained by factory children, and the children by parents; and we shall then arrive at a result perhaps exceeding the calculation formed by the leaders of the movement, who represented 26,000 persons as affected by it.

"The effect of the strike on the committals to this prison was such as I have always noticed whenever a check has been given to the employment of our operatives. The 'stoppage' and 'short time' of 1847-8; by throwing many hundreds of boys into idleness, produced a great increase of young offenders, but a yet greater *decrease* in the summary committals of adults. The idleness attendant on the strike has again been followed by the same results. . . .

"It is a gratifying, and to most persons—especially to those who are under so much misapprehension as to the character of our female operatives—it will be an unexpected, fact, that, under every head of offence, *their* committals have greatly diminished. During the entire period of the strike *only four of the female factory workers of Preston were committed for trial!* But further investigation into the effects of the strike on our female operatives leads us to a dark side of the subject, which

must not be left unnoticed. . . . There was too much reason to fear that it opened the door to immorality among many young females who, up to that time, had been preserved from vicious contact by regular employment. Our police noticed many additions to the wretched night-walkers of the town, some of whom appeared to be driven to their unhappy course by destitution. The streets, however, showed but a small proportion of the demoralization of this character resulting from the strike. The fact of nine or ten thousand young persons, of opposite sexes, living for more than six months in total and unaccustomed idleness, and with few or no restraints on their inclination to associate, could not but be fraught with deplorable consequences; and it is only too certain that many young women, unprotected by watchful parents, or by their own self-respect, were led or forced into vice, through the turn-out, to an extent quite sufficient to mark the contest with a stigma, which the most triumphant success could never have wiped away—and which must greatly embitter the consciousness of failure. . . . It is distressing to enter into details on this subject—and some of the most revolting must 'sleep in the shade;' but it is necessary to *warn* of this—the most lamentable of the consequences of a strike. I give the *ipsissima verba* of some of the statements I have alluded to. . . .[1]

"I should be chargeable, however, with injustice, were I to conclude these observations without offering my testimony to the admirable conduct, generally, of the great body of mill operatives during the progress of the conflict. However much we may deplore the ignorance and infatuation which made so many thousands the tools and victims of a few mistaken, selfish, or malignant leaders, the disastrous contest once begun, the 'hands' exhibited, in the prosecution of it, qualities which would have reflected credit on any party. Their self-restraint, good temper, and cheerfulness; their patience and resolution in pursuit of their object; their fidelity and devotion to what they believed to be a just cause—were visible to every one who watched the course of the struggle; and while we lament the absence of that useful information, and those good influences, which might have saved the entrance into such a quarrel, we should also recognise, without further loss of time, the necessity for efforts

[1] It is unnecessary to reproduce the pitiable tale now: if it were not for the importance of calling attention to one result of a strike which is commonly utterly forgotten, all reference to this subject would have been suppressed.—ED.

calculated to make such qualities, as the operatives displayed, more available in the future, for the true interest of every class—and especially of their own. Workmen have much, and masters no little, to learn, in respect to their mutual relations; and it will be a happy thing if the latter, profiting by their greater facilities for obtaining a sound knowledge of social laws, take measures for imparting such knowledge to their dependents—measures which, to be successful, must be prosecuted in the spirit of that religion which is professed by both parties, and under the conviction that the interests of employer and employed are vitally bound together.[1]

"It is sometimes contended that ignorance and drunkenness are less prevalent now than formerly; that both are retreating before the steady advance of education. If this be true, it is true to a very limited extent. The retreat is so slow that it can scarcely be measured, except after a long interval of time. Meanwhile it may be useful to see how stubbornly these powerful and allied enemies to improvement hold their ground; and to assist the view, I beg to offer a few observations.

"As the basis of these observations, I would note the statistical fact that, during the two years to which this Report relates, I have conversed with,—

1,088 male prisoners incapable of reading = 41·7 per cent. of the whole number of male prisoners committed: with—

938 male prisoners who were unable to repeat the Lord's Prayer with any approach to accuracy in the words, or a proper comprehension of their meaning = 36·3 per cent.: with—

[1] Among other facts connected with the strike he gleaned the following:—

"The decrease in infantile deaths during the strike [the deaths under five years in the six months before had been 594; in the six months of its continuance they were 497] is a fact of no slight significance. From reliable *data*, obtained from a trustworthy source, it may be estimated that about 1,100 female operatives in Preston had children under five years of age. When these mothers were occupied in their work at the factories, their infants were committed to hired nurses, children, or other protectors, whose care would be very inferior to that of a mother. But while the strike lasted, mother and child were in their proper places; the former gratifying maternal feelings and instincts from which, under the ordinary circumstances of her position, she is debarred, and the latter profiting by the care and affection which none but a mother can supply. It is not assuming too much to say, therefore, that in this bringing together of mother and child, the diminished infant mortality is accounted for; and *grave consideration ought to be given to the subject.*"—Ed.

1,836 male prisoners who could not understand the import of the plainest language necessary to convey instruction in moral and religious truth = 72·4 per cent.

"During the same two years I have heard 1,126 male prisoners attribute their offences—frauds, larcenies, robberies, burglaries, rapes, stabbings, homicides—to *drink!* And if every prisoner's habits and history were fully inquired into, it would be placed beyond all doubt that nine-tenths of the English crime requiring to be dealt with by the law arises from the *English sin* which the same law scarcely discourages.

"Reverting to the question of ignorance, it may be necessary that I should adduce confirmation of my statements relating to it, since they have been questioned by an eminent member of the Legislature in terms which may lead to the conclusion, that what I have written, relatively to the want of education in prisoners, presents 'exaggerated' illustrations of the general ignorance of the labouring class; and that, consequently, there is less cause for anxiety and exertion in the matter than has generally been believed.[1] Such a conclusion would be seriously prejudicial to what, I am persuaded, is one of the most momentous questions of the time; and it is to obviate *that*, and not merely to defend myself from a charge of exaggeration, that I now enter on the subject. [Various Police and Prison Reports are quoted, which completely proved the accuracy of his statements.] I shall now, I trust, stand acquitted of having made statements which 'are not to be depended on as representing the average state of instruction even among criminals.' I have, indeed, scarcely made known its actual extent and nature. It is not necessary to insist that the mere mechanical ability to read, when unaccompanied by corresponding intelligence, is useless; but it has, nevertheless, been too readily taken for granted that the mechanical process implies also the mental process by which knowledge is gained; and, consequently, instruction—and even *education*—have been credited to many thousands who, in fact, have had no more of either than a boy

1 "These Reports . . . are not to be depended on as representing the average state of instruction even among criminals, because they speak of those who are in utter ignorance, as one-half of the prisoners in Gaol, while the general returns show the proportion to be one-third, and that this number is decreasing; so that here again, if these instances are quoted for induction, they are not sound—they are narrow in amount; and if quoted as illustrations, they are exaggerated."—*Speech of the Right Hon. J. W. Henley, M.P., in the House of Commons, on Wednesday, May 3d,* 1854.

might have of the Greek language who had only been taught to read the Greek character. In many of my former Reports I have endeavoured to call attention to these truths. . . . I know that my statements have been received with incredulity, an incredulity which may continue to be felt until the incredulous examine into the matter for themselves. . . . If such real ignorance prevails among many who can read *literally*, what must be the mental condition, the blank and chaos, of the greater part of those who do not know a letter of the alphabet? Without the slightest knowledge necessary to proper self-guidance, many of them live a worse than mere animal life, wanting even the instinct which would lead them to safe and true enjoyment. '*Corruptio optimi pessima*;' and the ignorance and debasement suffered to exist in England in close neighbourhood with all that is surpassing in knowledge, exalted in morality, earnest and devoted in religion, is something, not comparatively, but absolutely, lower than anything hitherto discovered in savage life—where *that* has not been rendered more savage by the 'fire-water' of civilized and—so called—Christian men.[1]

'"Though the ignorance which I have endeavoured to describe may be admitted, so far as regards prisoners, it may, at the same time, be supposed to exist among the class from which they are drawn only to a small extent. It is said, 'if these instances are quoted for induction, they are not sound—they are narrow in amount.' If these expressions mean that the number of persons whose educational state has been ascertained by such inquirers as those I have named [*i.e.* the Police of Manchester and Liverpool, who had ascertained that the ignorance of the many thousands *apprehended* was quite as great as that of the few hundreds *convicted*] is too small to illustrate the degree of instruction enjoyed by the great mass of the people, it is necessary to show what proportion does actually exist between the persons apprehended in this great county, for criminal and disorderly acts, and the entire of the population. To do this, I have

[1] "If I have appeared to dwell on the subject of popular ignorance at too much length, I would urge, among other pleas, the necessity of convincing those 'in high places,' that such ignorance as I have described actually does exist. I well remember the incredulity about it of a noble member of the Lords' Committee appointed to inquire into the administration of the Criminal Law, before which I was a witness in 1847. His lordship could not conceive that any one in this country could be ignorant of the name of the reigning sovereign, and evidently thought that there was no ground for affirming such a thing. This great ignorance of greater ignorance was of no trifling import; for the noble lord *had once been prime minister of England!*"

only to refer to my Twenty-fourth Report (1847), in which it was proved from reliable *data*, supplied by the different constabulary bodies of the county, that, '*in each year*, in Lancashire, *one male out of every sixteen* (above ten years old) *disturbs the peace and order of society*. This is no 'narrow amount.' One male in sixteen drafted *annually* from the great working body of Lancashire is more than enough to show the mental and moral state of that body.

"The gentleman who questioned the soundness of my educational statistics, in speaking of Sunday School education, says: 'It is a vast element in our system, and, in my belief, is producing an enormous amount of benefit, not only by the high morality which it imparts to the scholars, but by bringing in contact with each other the higher and lower ranks of society, knitting them together in the bonds of good will and mutual esteem in a manner and to a degree that is not likely to be secured in any other way.' To the general import of these expressions I cordially subscribe; but it is evident that the Sunday School, as an educational power, and as an instrument for the promotion of Christian knowledge, is capable of, and, in fact, needs much further development. In my Twenty-eighth Report (1851), after noting—what I again have to observe—that the ignorance of female prisoners is much beyond that of males—67 per cent. of their number being unable to read,[1] I observed that while female prisoners constitute *less than one-sixth* of the whole number of prisoners, that small portion is almost 'entirely supplied by the most untaught portion of the sex: in other words, the efforts made for the religious and educational welfare of the girls of the working classes are better rewarded than those devoted to the boys.' . . . 'As a general thing, the girls in our Sunday Schools have greater advantages in the number and *intelligence* of their honorary teachers than the boys have: and, no less important, the girls continue their connexion with the school long after boys of the same age have cast themselves entirely loose from the wholesome tie.' I believe, indeed, that *the young ladies* of the country who devote themselves with so much perseverance, tact, judgment and right feeling, to the work of Sunday School teaching, are the most efficient civilizers of the day; and if a time should ever come, when

[1] "I fear I shall scarcely be believed when I say that more than 60 per cent. of our female prisoners cannot count 100 in the usual way; such, however, is the fact."

young men of education, and comparative rank, shall become Sunday School instructors to the same extent, the effect upon our brethren of the industrial classes would be seen in such a social and religious advance as has never yet been made. At present, it is for want of a sufficient *number* of well-educated and friendly-hearted teachers for the Sunday School *boys*, that their schooling, as compared to that of girls, is unproductive of the amount of good desired. Were such teachers forthcoming, we should soon have less of dry book-work in the schools, less cramming of the memory with a Catechism, seldom explained, and soon forgotten; the Holy Scriptures would not be desecrated into repulsive lesson-books, and a dislike of them be engrafted for life; poor children would not be dragged to church or chapel, to hear what is, to them, quite unintelligible; and, weary, cold, and restless, to be a source of annoyance and distress to the rest of the congregation. In place of proceedings like these, efforts would be made in our Sunday Schools to give to the growing faculties of children healthy and *agreeable* exercise; moral and Christian duties would be taught by interesting narratives, real histories, and an *occasional*, and always reverential, reference to Him who loved children, and specially taught the poor: the Book, in which this love and teaching are set forth, being reserved to gratify the desires of those who long for a more perfect knowledge. Something of this kind would be a happy substitute for the prevailing Sunday School system, which, as I have ventured to represent on former occasions, defeats its own object; the children soon forget the little reading they have been taught, and never enter a place of worship after they become their own masters. I shall have to discharge an unpleasant, but, I believe, a necessary duty, by showing, as I shall do presently, that in North Lancashire, where Sunday Schools are more numerously attended than they are in any other county, religious worship is so greatly neglected that, in respect to it, there are only six counties out of the forty which present a more discreditable appearance. And not only so, but it would seem that throughout the entire county of Lancashire, Sunday School attendance, in the respective 'districts or unions,' is almost in an inverse proportion to the attendance on public worship!

"There is only too much ground, therefore, for concluding that Sunday Schools stand greatly in need of improvement, or rather that they require a radical change in the plans on which they are conducted. They do good, I admit, even now, by giving to the children who attend them such

a sense of propriety and duty as often preserves them from crimes into which they would otherwise fall; but they fail in cultivating that intelligent piety and that reverence for religious observances which, no doubt, constituted the chief objects for which Sunday Schools were instituted. These observations apply mainly to the boys' schools. In the girls', as I have said, a superior influence is at work. There, mutual sympathy and good will are established between the teacher and the taught, producing the most beneficial consequences to both parties, and lasting long after school days are past. In this district there are thousands of young women who, after entering the Sunday School at an early age, have continued their attendance until or even after marriage. These young women are the civilizers and meliorators of their families and their class. If Sunday Schools had done no more than to bring the educated and refined of the softer sex into kindly intercourse with their humbler sisters, they would have accomplished an immense good. May the time not be far distant when similar relations shall be established by the other sex."

To Sir J. S. Pakington.

"2nd June, 1855.

"I was about to intrude a letter upon you, when I received your inquiries of the 31st, which I will reply to before touching upon other points. Every prisoner committed for trial is brought into my room, in order that I may enter into my 'character-book' all particulars relating to him which it is desirable to know. I have always endeavoured to place these unfortunate persons as much at their ease as possible, by speaking to them in a frank and kindly tone. My questions relate to their ages, occupations, earnings, birthplace, ability to read and write, religious knowledge, &c. By the time the questions on these latter points are put, the prisoner is rid of any restraint which he might have felt at first, and he is prepared to answer to the best of his ability. When he has answered as to reading and writing, he is asked about his attendance at a place of worship on Sundays. When he has admitted, as he generally does, his habitual neglect of the Lord's Day, an opening is made naturally for questions about his neglect, or otherwise, of private prayer, and his knowledge of the Saviour. The questions and answers (in cases where the prisoner is very ignorant) proceed in this way. 'Do you ever go to Church or Chapel on a Sunday?' 'Very seldom.' 'When you do go, where is it to?' 'To Church,' &c. 'Can you say your prayers?'

'No,' or 'part,' or 'I can say the first prayer.' Being desired to repeat this first prayer, he begins the Lord's Prayer, deplorably miscalling the words, and soon entirely breaking down. The next question is, 'Did you ever hear of our Saviour?' Sometimes 'No,' generally 'Yes.' 'Do you know what His name is?' Sometimes, 'It's God, isn't it?' generally, 'No.' The question is repeated and varied; but without eliciting a satisfactory answer, until it is put into such a leading form as, 'Don't you know that our Saviour's name is Jesus Christ?' Even now the reply is sometimes, 'No;' but it is clear that the suggestion should not have been required, and accordingly the examince is placed among those 'ignorant of the Saviour's name.' The number of persons 'incapable of attaching the proper meaning to "virtue," "vice," &c.' invariably and greatly exceeds the number of those just described. I ask the man under examination if he remembers what the minister preached about when he *did* go to Church? 'He preached about goodness,' &c. 'Did he preach about virtue and vice, righteousness and iniquity?' 'Yes.' 'Do you know the meaning of vice?' 'Yes, I've often heard of good 'vice (advice).' 'Do you know what iniquity means?' 'No.' 'It means wickedness. Do you know what righteousness means?' 'No, except it means naughtiness.' It may justly be thought that such ignorance of ordinary language as this is little, if at all, less serious and pitiable than the ignorance of letters, or of the first elements of religious truths, because it renders the victims of it impervious to instruction from our pulpits, even if they could be prevailed upon to come near them. In addressing my poor congregation, I have always endeavoured to use the plainest words which would serve to express my meaning; but I have found from subsequent inquiry, that not more than one-third of my hearers could understand the general tenour of what I said. I am persuaded that it is this all-prevailing ignorance which keeps the labouring class out of our churches. How can they be expected to come and listen to words altogether above their comprehension? . . .

[After referring to certain parliamentary criticisms on his statistics.] "It is certain that even the imperfect instruction given in our Sunday Schools *does* produce happy effects to some extent. But there is the strongest reason for attention to your important question, as to the quality of the education. Sixteen years ago I urged that the reading taught in our schools was merely a mechanical, parrot-like acquirement. . . . It is true

that latterly the quality of the instruction has improved, and some care is taken that children shall understand what they read. But this advance is entirely owing to State interference—to the Committee of Council, their school inspectors, and their encouragement of really intelligent teachers, over-trained as they have been. If we were still content with the voluntary efforts, of which Mr. Edward Baines has been the great advocate, and on which Mr. Henley seems to rely, we should now have thousands of children and adults able to read, but unable to *understand.*

"In reply to your kind inquiry about the duration of my chaplaincy—my 'imprisonment with hard labour' has lasted thirty-four years. My first report was made in 1824, in obedience to the requirements of Sir R. Peel's Gaol Act, passed in that year. My first statistics of crime were given in 1826 or 1827; but from 1836 to the present time, I have felt it to be my duty to publish what you are pleased to call 'annual warnings' of the state of debasement of our Gaol inmates. . . . Longer imprisonment and harder labour would be repaid by the gratifying consciousness that our wisest legislators have occasionally found matter in my reports which has conduced to the progress of prison-discipline and popular education."

To Lord Stanley.

"Preston, 2nd May, 1855.

"I hope you will not think me vainly apprehensive in respect to the motion which is to come on in your lordship's house on St. Boniface's day.

"In a letter to Mr. Patten, on the subject of his Beer Bill, by a Mr. Livesey, some statistics of mine are quoted, as you will perceive by the inclosed extract from the pamphlet;[1] and they have been spoken of as

[1] The following is the passage referred to:—

"Another argument of the publican is, 'that if there be less drinking on Sundays, there is more on Mondays.' Now, if this be true, how can they regard *you*, sir, as their enemy? for if the increased sale of one day balance the reduced sale of the other, there is no loss. The statement, however, is not true. Among other evidence, I may offer the decided testimony of the Rev. J. Clay, Chaplain of the Preston House of Correction, who states that he has examined the cases of committals to the prison, of *males* for *drunkenness*, and for *offences* caused by *drunkenness*, during four months before, and four months after the passing of the Act. The following are the particulars:—

Committed for trial.	
Four months before the passing of the bill	65
Four months after the passing of the bill	33

exaggerated. In case they should be questioned on Tuesday (this is the *vain* apprehension), I beg to assure you that they are substantially true; though I admit that the period of time taken for the comparison is too short to be of much value;- and much of the diminished rate of committals might have occurred, whether Colonel Patten's bill had passed or not.

"I have, to-day, looked over our committals for felony arising from drunkenness for three several intervals, between the 13th August (the first Sunday coming under the influence of the bill), and the 31st of the ensuing May. The following is the result as regards male prisoners:—

"*Male prisoners committed to the Preston Sessions for offences attributable to drunkenness.*

	Committals.
"From 13th August, 1852, to 31st May, 1853 . . .	143
" 1853, " 1854 . . .	131
" 1854, " 1855 . . .	96

"The lessened committals from 1853 to 1854 were owing to the *strike*, which checked drunkenness, and consequently crime. The falling off from 1854 to 1855 is, I doubt not, the effect, to a considerable extent, of Mr. Patten's bill. The debauch, beginning after the receipt of the Saturday's wages, and carried on far into, or through the Sunday, *has* certainly been a prolific cause of crime. . . . ."

To the same.

"Preston, 15th June, 1855.

". . . . I venture to send you copies of two or three diagrams, which I think of introducing into my next prison report, thinking that you may find a few minutes' interest in them. Notwithstanding some striking anomalies, the general result as to the existence of the fact that education represses crime is sufficiently clear; Sunday Schools seem more effective

"*Committed summarily.*

Four months before the passing of the bill 106

Four months after the passing of the bill 67

"*Committed summarily on Mondays.*

Four months before the passing of the bill 35

Four months after the passing of the bill 17

The Rev. gentleman remarks, 'A decrease of more than thirty-one per cent. on the whole, and of more than fifty per cent. on the *Monday* committals, is a pretty strong proof of the beneficial working of Mr. Patten's bill.' "—ED.

in this respect, than day schools; and if the boys' Sunday Schools were attended to as the girls' are, *i. e.* by numerous teachers of a better rank in life, the effect would be indeed gratifying. Whit-monday in Preston is observed by a procession of all our Sunday Schools. In conjunction with a friend, I made notes of the number of boys and girls of fifteen years' old, apparently, and upwards, who walked in the procession as scholars. My friend's summary and my own agreed pretty well; and showed that while about 310 young men were counted, about 1,120 young women were observed. Sunday schooling might, I think, be made much more productive of good. That it *is* beneficial is very evident, but the benefit is very small indeed compared to the means employed. Between sixty and seventy per cent. of prison inmates throughout the country, have been, more or less, attendant, I will not say taught, at Sunday Schools. In fact, it is not the want of schooling so much as the deficient quality of it which is matter for dissatisfaction. In this both Sir John Pakington and Mr. Henley seem to agree. The latter seems to think that the statements as to the ignorance of the 'masses' are overcharged. The truth is, I fear, far otherwise. The ability to read, and even to write, by no means proves the absence of ignorance. On the contrary, I see, more and more, that reading is too frequently a mechanical, barren acquirement, very seldom exercised because producing neither instruction nor amusement. Since the debate in your lordship's house, I have examined more carefully and patiently into the educational state of the prisoners newly committed to our Gaol. At some risk of wearying you, I beg to enter into a few details, limiting them to men committed for trial since the 1st June.

"Four young men, aged twenty-two and twenty-three, committed for manslaughter, arising from a public-house quarrel, all could read. I put them on at Luke ii. 1, the decree of Augustus that all the world should be taxed. After clearing the way for them by telling them who and what Augustus was, I asked the meaning of 'decree?'

"1st answer, 'It means a good deal; a decree of folks.' 2nd, 'it means a nation of people, and (in addition), iniquity means holiness.' 3rd, 'it means a ship.' 4th, 'it means a good many people.' A fifth man, committed for stabbing, was altogether ignorant. These five young men were never before a magistrate prior to their present committal; and all have an appearance which shows that they do *not* belong to the so-

called criminal class, but are mere specimens from the bulk of the population.

"Of eleven young men, whose ages range from nineteen to twenty-six, and two men of thirty-five, committed to our sessions, nine are deplorably ignorant; the tenth said, 'decree means a multitude;' the eleventh, 'a great number of people;' the twelfth, 'it means discharging;' the thirteenth, 'it means a parson who goes from town to town to do good,' and 'taxed means taught.' The last four were all able to read with tolerable fluency. The whole thirteen were never in prison before.

"In addition to the above, I examined four men this morning committed to the assizes for plundering railway trains. They were all employed on the line hence to Carlisle, as breaksmen, plate-layers, &c. and received wages of about twenty-seven shillings weekly. Only one of the four understood the meaning of the test-verse; the other three could not be prevailed on to hazard a guess about it. These sad examples of imperfect instruction, may appear 'narrow in amount,' but if Mr. Henley had leisure for the inquiry, he would, I fear, be forced to the conclusion that official returns stating the numbers who can 'read and write,' are not to be taken as indicating the proportion of the sufficiently instructed. . . . . ."

To the same.

"2nd February, 1855.

"My colleague's absence for the last month has made me a more close prisoner than usual, or I would have had the pleasure of answering your two letters sooner. The subject of your lordship's first inquiry, 'poaching, or rather, its cause—game-preserving,' has certainly not been adverted to in my Reports so decidedly as, perhaps, it might have been. But I have felt embarrassed on the subject. I have seen that poachers are not the only parties whom the game-laws drive into unjustifiable acts; and as, in my position, it might have been indiscreet 'to report' the effects of game-preserving in all its bearings, I forbore going into a partial discussion on the delinquencies of the poacher only. I can easily imagine that to a game-preserver and privileged sportsman, poachers are very often objects of justifiable anger, as they too often are of unscrupulous vindictiveness. I well remember an example of the tendency of this latter feeling in the first year of my chaplaincy. When attending

a number of justices on their inspection of the prison, I had occasion to point out to them some sleeping cells so damp that the water lodged on the floors, when one of the inspectors observed, 'Oh, they're good enough for poachers.' This was the first intimation I had of the light in which the poacher is viewed by a large portion of the country magistrates. In their eyes he is the worst of criminals, and to put him down the law may be strained a little beyond its equitable limits. About twelve years ago, a practice sprung up, and rapidly increased, by which poachers were made to endure a double punishment for a single offence. After being summarily convicted under the game-laws, and sentenced to three, four, or six months' imprisonment, they were, when their terms were expired, surcharged for a game certificate, taken before a commissioner of taxes (the same person who had already made the culprits feel his power as a justice), and charged with 'taking game without a licence;' the alleged act being identical with the one for which an adequate punishment had already been suffered. The evidence which had already been satisfactory to the justice is quite enough for the commissioner. The delinquent is sentenced in a penalty of 5*l.*; and as he has not wherewithal to pay, he is again sent to prison for six months! When first I became aware of this kind of double dealing with poachers, six men were submitting to it, for whom I drew up a petition to the Home Office. That department referred the petitioners to the Board of Stamps and Taxes, and the Board completed the official round by sending the petitioners once more to the Home Office. The petition failed, therefore, and the poachers served out their whole six months' incarceration. Very soon after these men were liberated, six others were 'commissioned.' Most of them were old poachers, but in one case the offence was a first and most venial one. While this man was satisfying the game-law penalty, his wife and children were in the workhouse. On his liberation he obtained good employment, provided a home for his family, and gave up poaching entirely. But the 'vengeance of the law' was not yet appeased, and the man, therefore, was 'commissioned' to prison, while his wife and children were again sent to the workhouse. I made it my business to mention these cases to several magistrates (one of them an M.P.), whom I believed to be humane and rightly-judging men, hoping that their sense of right and their influence might be exercised in correcting what was a manifest abuse of the law; but I had again to learn that

poaching is so black an offence that no terms need be kept, in order to repress it. 'Poaching,' I was answered, '*must* be put down.'

"With regard to the cases now adverted to, experience having shown that petitioning was useless, I ventured to call the attention of the late Mr. Phillips, under-secretary at the Home Office, to them; and in a very short time I had the pleasure of receiving an order from Sir J. Graham for the *immediate* liberation of the men, pending the transmission of the Queen's pardon. It subsequently appeared that the convicting authorities were written to from the Home Office; and, what was more important, a printed circular was received requiring from our governor that copies of all future committals referable to game offences should be sent to the Home Office—thus intimating that these two-fold convictions could not again be resorted to without attracting proper notice. Soon after Lord Palmerston, however, became secretary for the Home department, we received a circular directing us to discontinue the transmission of these copies; and consequently the practice has revived of discharging both (legal) barrels at the poaching offender. Four poachers were 'commissioned' about a year ago, but received only sentence of one month's imprisonment. Their sentence by the commissioner taking effect from the moment when their previous sentence terminated, the offenders' two imprisonments were in fact only one, and the circumstance escaped my notice at the time. It is sufficient to show, however, that cases requiring the interference of the Home Office may again arise; but I feel assured that you will think such overstretching of the law should not depend for remedy on the uncertain action of the Home Office, but *be effectually prevented by legislative enactment.* I would add that although I have not gone into the subject of poaching in my reports, my journal contained full details of what I have submitted to your lordship. In conformity with the Prison Act this journal is laid on the bench (and more or less read by the justices) at Quarter Sessions. I may also mention that the prison inspector's tenth report ('northern and eastern districts') gave extracts from my journal relating to these 'commissioned' cases. In the appendices to my 24th and 25th reports, and at the 51st and 56th pages respectively, there are statements by poachers themselves, which exhibit in clear and true words the misery and demoralization attendant on the legal preservation and illegal pursuit of game.[1] If the first state-

[1] The following is the former of the two statements alluded to:—

"'When I first began poaching, I lived with my father, and we had a dog that

ment had been printed from the MS. in full, certain blanks which appear towards the end of it would have been exchanged for the word 'magis-

was much given to catching game; and sometimes when I was out he killed me a hare. . . . One time a man saw him kill one; this man kept a *beer-shop;* he said he would pay me well if I would let him have it. . . . I was to go to his house at night . . . . he gave me a glass of rum and 1*s.* 6*d.*; and he wanted me to bring him another hare . . . . I stopt drinking until I had spent the money . . . . He told me that I should get some snares, and he brought me some to look at, and showed me how to set them. I caught a hare that night, and took it to him; and I had it all in drink but 6*d.*, and that I bought some wire with to make snares. And then I got going to this house constantly, and taking hares there, and drinking ale and spirits of all kinds; and I think *that beer-shop was the ruin of me;* for there I met with some young men that was following the same game, and we got to shooting pheasants . . . . That night we shot twenty-five pheasants, and we sold them to a gentleman; and he was a ——; and we got 6*s.* a couple for them (before the sale of game was legalized). . . . I was caught taking up snares, and got sent for three months to the Preston House of Correction. The gentleman that sent me to prison wanted my father to turn me out of the house when I came home again; and because he would not, the gentleman went to the landlord . . . . and the landord doubled the rent that year . . . . and he gave him notice to leave . . . . but he got it for another year; but he died before the year was up. . . . Our goods was sold off, and we was obliged to leave home, and get work where we could. I got a job at a farm, and —— —— sent his keeper to the farmer, and told him that he was to turn me away . . . . so he paid me my money, and told me he must not employ me. . . . I had not been poaching then for more than twelve months, for I thought about giving it up, till this gentleman sent word to all the farmers not to employ me; and then I was so angry, that I thought I would have some of his game, if he would not let me get my living with working. . . . I bought a dog and a gun, and got a lot of snares and nets, and I followed poaching all that winter. All the gentlemen was against me, and would not let their tenants employ me; and I did not care what became of me. . . . I got to drinking, and got along with more poachers in other parts of the country. . . . Once we went to ——, in Yorkshire, and we stopt two days and two nights, and had nothing to eat: we slept in a barn in the day-time, and at night we went out poaching. We got as much game as we could carry away, and we brought it into Lancashire to a man that we had sold game to before. He paid us for it, and then we went to a public-house, and staid there till we had spent all the money. This other man fetched his clothes from home, and pawned them, and we spent that; then we pawned one of our guns, and then we asked for trust; but he pushed us out of the house, and said, "You drunken blackguards, get off home! what do you want here without money?" I went part of the way home, and laid down on the road, and slept till morning, and was almost starved to death. The next night, I borrowed 10*s.*, and the other man fetched his clock out of the house; and we got our gun again. We went out that night, and got eight pheasants. We got 20*s.* for them from the same man; and then we went to this same public-house, and we was welcome when he saw we had money. And when it was all gone, he said we might go to bed for a few hours . . . . and we got up at three o'clock in the morning; and we shot fourteen pheasants by six o'clock, and we sold them for 1*l.* 15*s.*; and then we went to the public-house again, and stopt there till we spent it; and my wife came after me, and *the landlord put me into a back place, and told her I was not there.* . . . We drunk all that week till all my money was gone; and as I was sitting by the fire, the landlord said, "What dost thou do here without money? Be off home to thy wife: thou hast had no ale since dinner time." Then I thought,

trate.' It was a matter of notoriety that more than one justice of the peace, and other persons of the same rank within the Hundred of ——, employed poachers to obtain for them, and for their newly acquired land, pheasants' eggs, hares, &c. The vindictive hostility between gamekeepers and poachers provoked a dreadful amount of wilful perjury on both sides. I can remember cases in which innocent men have been convicted on the evidence of angry and unscrupulous keepers and watchers, who, actuated by vehement suspicion only, did not hesitate to swear to facts which had no real existence.[2] I am assured by a nephew, who unites a love of sport with the practice of the law, that in his neighbourhood witnesses may be had in poaching cases who are ready

this is the way that poacher's money goes! So I thought I would leave it off, and try to get some work. So I went to a farmer that had some draining to let, and he said he must not let me have it unless I got a note in writing from the steward, for he had orders not to employ me. I went to the steward, and he told me to go to the squire; and I went, and he said I should have no work on his ground, and he bid me begone. I was very badly off, and I began poaching again; and in about a month I was caught, and I went away, and was away from my wife and family three years. Then I came home, and got work at some water-works, and was at home nearly two years, and did not go poaching at all; but the squire accused me all the time, and I was as innocent of it as a child .... and he would not allow any of his farmers to give me work.... And then I began poaching again: I should have given it up many a time if the gentleman had allowed the farmers to give me work.... I carried on poaching all that season, and when the game was out of season, the man would not buy any more *dead* game, but he said he had a large order come in for *live* hares, and he would take as many as we could get alive. And this —— employed the man at the game shop to get men to go into other people's preserves.... We was in a preserve one morning catching live pheasants, and one man said, "there is a deal more pheasants this morning than ever there was;" and I looked back, and said, "there is a deal more keepers."..... Three of us got away, and one got took, and sent to Wakefield House of Correction for six months. That season we catched above two hundred live hares, besides live pheasants and partridges, and lots of pheasants' eggs. And there was another —— that we catched a deal of live game for, and we took them to him ourselves .... and he paid us for them, and made us as drunk as pigs. ... And at that time we was getting some hares for some gentlemen near ——, that kept a lot of greyhounds. They came to my house for the hares once a week, and we kept them in a room till they came for them. We catched them about sixty, and I think that money did me more good than any that ever I got for poaching, for they always paid me at home.... I have catched hundreds of live hares and pheasants, and sold them to ——; and now they have turned their backs upon me, and cast me into prison. But for the time to come I mean to give it up, and not go poaching any more, for I think this three months will do me a deal of good.'"

[2] His prison journal contains some notices of the malignity with which poachers were pursued:—*e. g.* "23rd Dec. 1826. I found in the hospital two poachers in very severe pain, from having, in a late affray with Mr. F——'s gamekeepers, been shot in the legs. I was sorry to observe that the wounds were not made by round pellets, but by angular pieces of lead about the size of a shot."—ED.

to swear anything on any side. The evils created by game preserving are indeed many and deplorable, and not the least so are those which must necessarily exist when the game-preserver, the justice, and the clergyman, are united in the same person. The cause of religion must—does—suffer greatly when the preacher is identified with the persecutor. When observing the conduct and temper of 'commissioned' poachers, I have been struck with their unconsciousness of unfair play. They seemed to consider the surcharge 'dodge' as a soldier would regard a newly-invented 'arm' in the hands of his foe. He may feel himself exposed to greater risks; but he puts them down to the 'fortunes of war;' and the poacher submits to *his* increased risks with similar equanimity. Poaching, as measured by committals to this prison, has decreased, and latterly has been less affected by good and bad times. The average yearly committals during the five years ending 1841, were nearly 49. In the two following years of great distress (1842 and 1843) they increased to 79 and 107. The average committals of the three following good years (1844—46) were 42. The great distress of 1847 and 1848 only produced 34 and 41 committals; and the five following years of prosperity, an average of something more than 35. I need not tell your lordship that the *genus* poacher consists of several species. The most extensive is that of the poacher proper, who is seldom committed to prison for anything but poaching; and who is generally desirous of impressing upon us that he has never been charged with stealing. Some of this kind belong to gangs; others (and these are the most incurable, as far as I can judge) depend upon themselves alone. Others again only poach occasionally, and drop the pursuit altogether after one imprisonment. It will be obvious that the dangerous men are those who belong to gangs; they stimulate each other into acts of violence in their determination to obtain game, or in their fondness for excitement; and not a few of them eventually suffer as felons and burglars. Poachers, who have not allowed their practices to become tyrannical habits, very often benefit from our discipline, and turn out satisfactory characters. The most striking case of this kind which has come to my knowledge refers to a young fellow with a name well suited to the hero of a poaching tale—M—— W——. He was sentenced to six months' imprisonment for a desperate assault on a keeper. His case is given at page 68 of my Twenty-fifth Report, and I have it in my power to say that, during the six years which have passed

since his discharge, his employer and his pastor have spoken of him as one of the most exemplary young men in the parish. I fear I may have wearied your lordship by the length of remarks I have not had leisure to compress. In conclusion of this subject, I would not have you think that I am not sufficiently alive to the demoralization and criminality chargeable against the poacher; I only submit that he should not be pursued with a rigour beyond the law; and that not on his side alone does the practice of game-preserving provoke a forgetfulness of what is right.

"On the second inquiry put by your lordship, as to the phrenological test of character;—we have not applied it to prisoners to any extent worth recording. There are, indeed, no persons here possessed of sufficient knowledge to do so. But any one who has an eye for form may perceive, at a glance, that the generality of these unfortunate persons have small, ill-shaped skulls, with (and among the Irish particularly) 'foreheads villanous low.' Not only are phrenological appearances unsatisfactory, but, physiognomically, the criminal class exhibit features belonging to the animal; they are truly 'ill-favoured,' and I am often greatly surprised that men of such unpromising aspect should be capable of the moral and religious improvement which—by God's blessing—is effected in no small number of them.

"Your next question relates to our free library proceedings. They are not carried on *quickly*, in conformity with an early resolution to postpone a general canvass for subscriptions until 'Christmas bills' had been settled; but we have been usefully employed in uniting two committees in one, pacifying our clergy, and maturing plans for a thorough canvass. . . . . The working men are showing us an example of vigour and intelligence, and they still entertain strong hopes that they shall raise 1,000*l*. I send you a proof of an address which is to be put into circulation preparatory to the action of our canvassers. The sums put down already as subscriptions are all volunteered, and although 'times' are undoubtedly bad, I have no misgivings as to the eventual collection of the contemplated 3,000*l*.

"Your lordship's last subject is the important one of reformatory schools. We have no such establishments yet, in Lancashire. In Liverpool, which stands more in need of them than any place I know, attempts have been made to introduce them, especially by the late Mr. Rushton, but without effect until now, when the necessity for effort and

perseverance in the matter is becoming most urgent in itself, as well as in reference to the discredit which would attach to neglect in presence of the successful efforts made in other towns. Liverpool has much to answer for in its long-continued indifference to the crime within it. In fact, crime in that town has far outgrown the means of adequately dealing with it. . . . The founding of reformatory schools in our division is of little comparative urgency. . . . Our population is, on the whole, in a normal and (comparatively) satisfactory state. Employment is obtainable by all disposed to work. Youthful criminality has long ceased to exist in respect to organized gangs. . . . While I should hesitate to urge the adoption of *reformatory schools* for North Lancashire, in which the inmates, being few, would be costly per head, I would heartily recommend in our large towns—Preston, Blackburn, Burnley, &c. the introduction of '*Industrial feeding schools*,' which have been of such immense benefit at Aberdeen. Mr. Thomson of Banchory, has been the excellent instrument for effecting this benefit, and I would beg to refer you to his little work, 'Social Evils, their Causes and Cure.' The cost per head of the Aberdeen schools is less than 4*l.* after deducting the earnings of the schools; while the expense of the reformatory schools is from 20*l.* at least, to more than 35*l.* at Redhill. In my 23d Report, page 24, there are some observations connected with this subject which I still adhere to. It was proposed at that time (about 1845) to found a large establishment as a refuge for discharged juvenile criminals. I was invited to co-operate, but having represented to the projectors of it what I subsequently submitted in the passage of the report just referred to, the scheme was given up. At a later period I have heartily joined in the efforts on behalf of reformatory schools, because the plans were such as would not hold out temptation to either young offenders or their parents, to seek admission into such places in preference to undergoing a course of honest labour; and more especially I have urged (and with some success) the necessity of making parents contribute to the maintenance of their neglected children while they are undergoing a proper training. . . . . The persons to 'help' in the organization and support of these schools, are the wise and benevolent of every class who possess, at the same time, sufficient leisure, judgment, and activity for the task. Such men are not easily found. In the two great towns the magistracy are taking the lead, and I think some, or rather several, would be glad to promote the good

work for the rest of the county; but the persons to take a continual and untiring interest in it, and to assist in the management of the institutions themselves, will be difficult to obtain. I should have most reliance upon good and intelligent men of the operative class. Government having already connected itself with reformatory schools, the time may possibly come when it will take the entire charge of them. I think on the whole this would be desirable. It would tend to insure the permanence of the institutions; though it might risk the substitution of cold routine, for the tact and untiring enthusiasm of such admirable persons as Miss Carpenter, John Ellis, Mr. Baker, Mr. Bengough, and many others. To the country, the establishment and good working would, it is evident, be of immense benefit, to say nothing of the highest interests of the tens of thousands left now to misery and sin; the comfort of the comfortable class would be less interrupted, their purses would be saved the tax required to punish the plunderer, and from the much heavier tax which his practice, when at large, imposes. Your lordship will think it a matter of the highest moment too that this awful mass of human material should be made available to the wants of society and the State. I venture to hope, that unless Providence should doom us to some terrible and unforseen shock, creditable and useful positions may be found for the whole of our population who may be qualified for them. Considering the almost boundless fields for industry and occupation in our colonies, in our manufacturing pursuits, in our shipping, and in our navy and army, I cannot but think that the demand for English hands and heads will, if Providence grant us a favourable peace, exceed the supply. I began this fearfully long letter more than ten days' ago; but the exigencies of the prison and indisposition have prevented me sending it off as I intended before the day named by your lordship. I shall be glad if you can find 'two grains of wheat in my three bushels of chaff,' and that when found they may be worth the search."

CHAPTER IX.

PUBLIC AND PRIVATE LIFE AT PRESTON—MULTIFARIOUS OCCUPATIONS—FAILING HEALTH—DEATH.

MR. CLAY had two wholly different sides to his character, and has left behind him two wholly different sets of reminiscences. Those who knew him chiefly through his reports and philanthropic correspondence, will recollect him as the laborious statistician, the indefatigable chaplain, and the man of earnest, anxious-minded benevolence. To his familiar acquaintance, who were accustomed to see him divested of his social science, his name will recal the memory of the gay-tempered, pleasant, versatile companion.

One of his friends, the Rev. John Sparling, rector of Eccleston, Lancashire, whose genial, original character qualified him well for a thorough appreciation of Mr. Clay, has sketched him thus:—

"Eccleston Rectory, Dec. 14th, 1860.

" . . . Unfortunately I have not preserved any of the letters which I received from him during the period of twenty years over which my intimacy with him extended. This is the more to be regretted, as I have a lively recollection of more than one of them which would have well exemplified the cheery and genial side of his character. I have vividly in my mind, at the present moment, one letter in particular, dated from *la mia Prigione*, which I received during my residence in Rome in January, 1842, in which all the laughable events of the winter, which he knew were likely to afford me amusement, were detailed with the solemn gravity of Silvio Pellico himself. Your father was in fact too close an observer of human nature, and was endowed with too keen a perception of the ludicrous, not to be essentially

a humourist. At the same time it is but just to add, that in him playfulness of fancy never was tinctured either with cynicism or frivolity. I should be well pleased to see this phase of my lamented friend's disposition clearly brought out in the forthcoming biography. How often have I envied him his remarkable faculty of using up those numerous odds and ends of time, which most of us treat as life's litter, to be got rid of as best we may! With him the day never cut to waste. Not less noteworthy was his peculiar power of deriving recreation from literary and scientific pursuits, which (of themselves) would have been to ordinary minds a laborious occupation. I remember, some years ago, a discussion arising at the Preston Quarter Sessions on a proposal to allow the chaplain leave of absence for a few months, for the purpose of affording him the repose of which he stood so grievously in need. In the course of the debate, the inevitable Justice Shallow stoutly contended that Mr. Clay had broken down his own health by devoting his few hours of leisure to the cultivation of the fine arts, and to delivering lectures on a variety of popular subjects. He little understood how it is the nature of minds of the highest order to find recruitment, not so much in absolute cessation from labour, as in giving to their energies a new direction. Your father possessed, in a degree that I have never seen equalled, the art of reconciling fervent piety with a hearty enjoyment of the blessings of life—nay, more than this, of making each conduce to the other. I have heard of the tenor of a Christian's life being compared to the twofold motion of the earth, revolving continually on its own axis, while it completes its orbit round the sun; and this comparison appears to me fitly to describe the exemplary life of John Clay. If he seemed in the kindly intercourse of social life to obey the impulses of a warm heart, and (so to say) daily to rotate round an earthly centre, he never allowed his zeal to flag, or his foot to wander, while discharging the duties of that grander sphere, in which he was evidently guided and upheld by the force of an attraction still more sublime. To say he was a person of deeply-rooted religious convictions would be imperfectly to describe the man, unless I were to add that he literally and deliberately became a martyr to that holy cause with which

his name will be for ever identified. Nevertheless, I have always felt that in his heart he was (what Sydney Smith would have called) a 'disperser of humbug.' With a single glance he saw through 'those who fancy themselves pious, when in reality they are only bilious.' The Pecksniffs and Tartufes with whom he happened to be brought into contact, felt that he read their animalcular nature through and through—and they loved him accordingly. And yet he had a tenderness even for *them*. He could no more despise them than he could despise the larvæ which he quietly inspected beneath his own microscope. Well, he is gone! During his thirty years of 'weariness and painfulness' at his dreary post, it was his lot to see some hundreds of church livings given away by a succession of 'wise and paternal governments,' and yet John Clay died an unbeneficed clergyman! I have written at most unreasonable length; but the subject is one that tempts to prolixity."

Until his health began to fail, he was a brilliant conversationalist. Fond of society, and possessed of a somewhat excitable temperament, he would throw himself with keen zest into the humour of the hour, and quicken all around him with his contagious pleasantries. To spontaneous ready wit he had few pretensions, though now and then would come a flash and a crackle of sharp fun almost worthy to rank as such.[1] But his instant and thorough enjoyment of wit in others almost supplied the deficiency. Besides, the wit, though not quick, was by no means lacking in his character. He was much readier with his pen than with his tongue; and it was his delight to manufacture comic songs, epigrams, and *jeux d'esprit* of all kinds, for private use; fugitive fragments, full of personalities, yet written with such thorough kindliness and happy tact that they never gave offence, and the heroes and heroines of them were often the most diligent in their circulation.[2] As a humourist, as distinguished from a

[1] For instance, I may mention the following racy (though, query, second-hand) pun. At a hot, steamy conversazione, an unlucky officer, rendered damp and oleaginous by stress of atmosphere, had left an indubitable thumb mark on a piece of music which he had just handed to a lady. Later in the evening, the lady pointed out his sign manual to Mr. Clay. "It reminds me," was his instant remark, "of the Irishman's translation of *non tetigit quod non ornavit*: he touched nothing but he *graced* it!"

[2] I have many of these in my possession; but as they all turn on local events,

wit, he had a high reputation—higher perhaps than he deserved. He earned it chiefly by his inexhaustible and active memory; by his marvellous knack of making the best of a good story; and by his rapid versatility. It was, perhaps, his versatility, his power of glancing from topic to topic, and talking brightly and freshly upon all, that made his society so enjoyable. He was almost, in fact, what he was often called, a universalist. Be the subject of a discussion what it might, the chances were that he had given to it some careful thought and study, and was able to enter with genuine interest into the conversation. He was perfectly at home, too, in society of almost every kind. It was rarely that he was thrown among scientific and literary men of high mark, but he took keen pleasure in the opportunity when it came; and even with such, from the wide range of his reading, from the faculty which he possessed of keeping all his information well in hand, and from his clear-headed readiness, he always won, without the least effort or pretence, a prominent place in the conversational *mêlée*. Into the gossip and chat of ordinary society he would throw himself almost as heartily; for wherever there was genuine enjoyment to be had, he was certain to obtain his share. But perhaps he was never happier than when acting charades, singing "Johnny Cope" or "Widow Machree," or telling stories in a juvenile party. The instinctive power of adapting himself to all sorts of company was part of his buoyant, happy nature. Nor was this adaptation the result of a conscious effort; there were hardly any circumstances which did not call into play some of his manifold tastes and qualities. He was, so to speak, chameleon-minded, and the occasion brought out the corresponding trait in his character. At the same time he was easily chilled and repelled; he shrank back into silence and reserve under a very slight annoyance.

or the personal characteristics of his friends, I have no right to print any of them. I must, therefore, content myself with one solitary specimen. It had been proposed, at some merry party, that every person present should write an epigram or epitaph upon himself. Mr. Clay's was as follows—the joke turns on his baldness, on which he could well afford to jest, as in him it was rather a beauty than a defect:—

"Here lies John Clay,
Whom sure I may,
As the prince of good fellows set down.
Poor soul! I declare
His scalp was so bare,
That he died without *heir* to his crown."

He was extremely sensitive, and would wince openly under unkindness and neglect. He was very impatient of stupidity, and often confessed that he found it difficult to restrain his intolerance within the bounds of politeness. As soon as ever conviviality degenerated into anything like animal indulgence, he at once turned away, taking very little pains to conceal his disgust. He could not bear to listen to sarcastic, ill-natured talk: after a few minutes of impatient silence, he was sure to break out with some sharp, biting remark.

It was sometimes said of him that "he was hardly like a clergyman," and the stricture was, in a certain sense, warranted. His acquaintance scarcely ever saw him in his ministerial capacity; the painful, weary work of the prison was almost unknown even to his most intimate friends. A few of them, it is true, were thoroughly conversant with the nature of his work there; yet, with this exception, there was hardly a place in England where the progress of the experiments in the Preston Gaol was less known and understood than in Preston itself. In the society of the town the hard-working clergyman was almost forgotten in the clever, pleasant, sociable gentleman. Besides, he almost entirely discarded the usual clerical conventionalities and mannerisms. Nevertheless, his sharpest critic would never have dreamt of charging him either with levity or laxity himself, or with encouraging by his demeanour anything of the kind in others. In his most playful abandonment to social pleasure, there was always something to mark that this was but the recreation of the moment: it never derogated one whit from his character as a man of high principle and deep earnestness.

Other circumstances, too, helped to dissociate him from the usual conception of a clergyman. His whole tone of thought, his entire range of opinion differed from that of most of the clergy around him. He was from the first a liberal, and a church reformer: he was, in fact, a Broad Churchman long before the Broad Church party existed. In his earlier life he did not hesitate to say that "he owed his membership of the Church of England entirely to the accident of his birth;" and that if he had to choose his communion over again, he would only prefer the

Church because, bad as was her condition, he knew of no other religious body that was better." Later, however, his hopes for her brightened, and his affection strengthened. He was always eager to acknowledge the increase of zeal and earnestness which marked all the ranks of the clergy during the last twenty years of his life: and he candidly confessed that the church-system rose in his esteem as his practical acquaintance with it increased. But to the last he was far from sanguine. "If the energy," he would often say, "which is wasted on these miserable controversies were combined into one great crusade against vice and ignorance, it might change the fate of England and of the world." "I am thankful," he would add, "that my isolated position as a gaol-chaplain, saves me from the danger of religious partisanship. I believe I never did, and I don't think I ever shall, deliberately utter a party word, or perform a party action." And to this line of conduct he did in truth adhere with the most scrupulous consistency. "Let it be said in his honour," was a remark made in a leading provincial newspaper shortly after his death, "that party-feeling or sectarianism, religious or political, never marred or mingled with his benevolence. No public man in this, or perhaps any other district ever indicated a more truly Catholic spirit." Yet this Catholicity was not the result of any indifference to, or ignorance of, the great religious questions of the day. It arose from his will and power to sympathize, not as a matter of duty, but with the most unfeigned heartiness, with any man, be his creed what it might, who was willing to spend and be spent in the struggle against evil. It was this Catholic sympathy, this determination to make the best of all parties, which, more than anything else, kept him out of the ranks of all.[1] He had the least sympathy with the Evangelicals. He rebelled against Calvinism with his whole soul. "It is a mystery to me," he would sometimes say in private—he hardly

[1] The following passage from his journal, referring to his refusal to receive an offer to "turn" from a Roman Catholic prisoner, is very characteristic:—"I think I am most usefully occupied in the attempt to bring within the general pale of Christianity the great numbers who are wandering without any guiding principle whatever. I leave to others the endeavour to lead, or drive, any of the few within the pale already, from one compartment of it to another which they may consider safer."

ever spoke of such things in public—"how many good and most thoroughly Christian men of my own acquaintance, whom I heartily reverence, can really hold a creed, which to me seems to be nothing less than horrible." Against another of the prominent Evangelical tenets he was more out-spoken. "I look upon the Sabbatarianism which is prevalent in Scotland, and which a section of the Evangelicals would like to establish in England, as nothing less than wicked. I would have the religion of Sunday made as pleasant as possible to the working man. There should be two short services and a very short interesting sermon at each. It *riles* me to hear the non-attendance of the lower classes at church set down to 'the depravity of the natural man which hateth spiritual things,' when the fact is we clergy, in our indolence, timidity, and starched conventionality, won't give up our routine and our platitudes, and our regulation allowance of forty minutes' discourse, and do our best to attract them to church." He was willing, and even anxious, that on Sunday recreation should mingle with religion. "I really do not see any religious objection," he said to a parliamentary committee,[1] "to playing at cricket, or visiting museums on a Sunday; but at the same time I am aware that such things should be handled with very great caution and delicacy, lest we outrage the feelings of many who have very serious views on the matter. . . . Such things would come into competition with the public-houses, and that is the reason why I myself would do all I could to encourage them, or anything, to create wholesome, innocent recreation." It was probably his opinions on the Sabbatarian question, which most effectually severed him from the Evangelical party. But apart from this, he was completely at variance with them on other grounds. He disliked their organization, and regarded it as tyrannical. "Once definitely join them," he said, "and you are no longer a free agent, you must for the future go with your party." He regarded them also as the section of the Church most opposed to all progress and reform, and he was himself so eager and earnest a reformer, that he could never speak of what he considered was their obstructive influence, without impatience. Himself, too, a man of

[1] Committee on Public Houses, 1853. Ans. 6,424-5.

somewhat extreme fastidiousness, he was repelled by the bad taste which he maintained generally characterized the Evangelicals. Probably, one chief reason why he uniformly absented himself from religious meetings was his dislike to the common practice on the platform of mixing up broad jokes and laughable stories in the same speech with the most sacred themes, in order "to popularise the subject." He always condemned the practice as "profane and vulgar." One of his sayings was, "There is no kind of vulgarity so offensive as religious vulgarity;" and he always maintained that the leaders of the Evangelical platforms had much to answer for "in making religion vulgar to suit the tastes of the people."

To the High Church party he was far more inclined. Apart from doctrinal questions, they conciliated many of his sympathies as a man of taste and an artist. He had formed the opinion, besides, that there was more earnestness and self-denial among them than among their opponents; and where these were found he would never criticise much. But still he was in no sense a High-Churchman. The determination of a large portion of the party to make the æsthetics—which, as a matter of taste, he was quite willing to accept—a subject for contention, at last almost alienated his good-will. Nor did he ever adopt their chief distinctive doctrines. Apostolic succession, for instance, in the Tractarian sense, he entirely repudiated, together with all the dogmas of high priesthood. He had also a strong dislike to ultra-sacramentalism, though few High-Churchmen could be more anxious than he was to gather round both sacraments every accessory which could enhance the solemnity of their administration.

For Dr. Arnold he had the most profound reverence; and he often expressed his regret that it had never been his good fortune to know him personally. He willingly acknowledged himself his disciple in theology on almost every subject. Still he said, with perfect truth, after reading his life and sermons, that he had propounded and acted on many of his most important opinions, while as yet he knew nothing of Arnold but his name. From about the time of Arnold's death till within two or three years of his own, his philanthropic labours thickened so fast upon him that he was obliged almost to abandon reading, and

even thinking, about controversial theology. During this interval he almost unconsciously drifted into Churchmanship more definite—but not one whit less liberal—than what had satisfied him formerly. For the last year or two of his life F. W. Robertson's sermons were his favourite reading. His copy is full of marginal criticisms—many of them expressions of vehement dissent; but he enjoyed the volumes keenly. "Men," he said, "as eloquent, as free, as bold—I may add, as reckless as this—are the very men that we want to shake the upper classes out of their self-satisfaction."

It is not, perhaps, to be wondered at that among the Preston clergy, who were mostly of the Evangelical school, he found himself somewhat isolated. At an early period of his residence in the town his liberal opinions brought him into collision with one of their leaders, and for a time he was almost proscribed as "unsound in his views." Long after his opponent was dead and the dispute forgotten; long after he had won his way to universal respect and to a footing of perfect friendliness with his brother clergy, there was still a vague impression abroad that he was "not quite orthodox;" and now and then he was forced to revive old prejudices by refusing to sign anti-Maynooth petitions, or to join a Protestant Defence Association, or by some similar act of dissent from the clerical fiat of the district. It was very seldom, therefore, that he was invited to preach in the churches of the town or neighbourhood. At the same time his known reluctance to leave his own congregation probably prevented many a request for his services. In fact for the last ten or fifteen years of his life he made it a rule never to preach out of his own chapel except on behalf of schools, and even for that purpose he was very loth to absent himself from the prison. The last time he preached a charity sermon was in the parish church of Lancaster, for the National Schools of the town, in the autumn of 1848. He had a presentiment that he should never again address an ordinary congregation, and he therefore bestowed great pains on the sermon, which was an epitome of all his most cherished plans for the welfare of the labouring poor. The sermon won a compliment rarely gained by the most successful preachers. A large deputation from the congregation waited upon him in the vestry,

at the conclusion of the service, to request him to repreach the sermon in the evening. The request was so manifestly the expression of a genuine wish that he felt bound to comply.

In general—as in Church—politics, he was a liberal, though his liberalism was developed gradually out of old-fashioned Toryism. Toryism had been the political creed of his father, and was that of all his friends. But as soon as he began to form his own opinions he slowly abandoned his old views. He was one of the many thousands in the upper-middle class whose gradual transformation from Tory to liberal opinions was fully represented by the political career of the late Sir Robert Peel. But though a liberal in the true sense of the word, he did not belong to the so-called liberal party. He arrived at his convictions on every question quite independently; and, in support of what he thought true liberality, he found himself nearly as often on the Tory as on the Whig side. His system of voting at the elections for Preston, sometimes for the conservatives, sometimes for the liberals, sometimes splitting his votes between the two (the personal qualities of the candidates always largely influenced his decision), was a complete puzzle to the local politicians and their ideas of consistency. A fervent belief in the vast capacity for good latent in the working classes, and a thorough conviction of the utter selfishness and want of principle among professional statesmen, were the prime articles in his political creed. "F—— says," he wrote in his private journal, at the height of the national fever in the winter of 1830, "there is a good deal of 'levelling talk' in the country. Still, however, I think favourably of the good sense of the great mass of the people." And to this opinion he adhered more and more firmly every year. "I do not believe," he often said, "that any legislators ever had such splendid material to work on as ours have. It is pitiable to think how, year after year, political squabbles, in an endless series, postpone the consideration of measures, on which depend the temporal and eternal interests of hundreds of thousands." On the other hand, he had a very low opinion of the morality of the House of Commons, and it was not raised by his experience of parliamentary committees. Latterly, his whole political creed was somewhat perverted by his rather exaggerated

idea of the power of the taptub interest in Parliament: he fully believed that there were very few members who had the courage to offend the publicans in their constituencies. "It is well known," he wrote in his last report, "that the liquor dealers in any borough could *turn* an election. Legislators, therefore, chosen under such influence, will not do much to counteract it; and consequently the question as to the means of repressing drunkenness is legislatively brought to a standstill." It must be confessed that he was, in his later years, in many senses, a disappointed man; and his disappointment probably gave a harsh flavour to many of his political opinions. At any rate they were harsh latterly. "I don't believe," he was accustomed to say, "that excepting—(mentioning three or four names)—there is a single statesman in the country who would sacrifice any of his influence or political capital to carry any measure, however thoroughly he was convinced of its importance." His dislike of two or three of the Whig leaders, whom he regarded as the types of political greediness, was intense.

In the affairs of the local public he took a prominent part. For many years after he settled in Preston there was hardly a project started for the benefit of the town and neighbourhood, which did not owe its success in some degree, and not seldom almost entirely, to his indefatigable energies. For ten or twelve years, however, before his death, ill-health and over-work compelled him to withdraw from the office, which had been gradually created for him, of public factotum for the district. But, whenever he saw any local scheme, in which he was interested, in danger of perishing for lack of a champion, he never could resist the temptation, however ill and harassed he might be, to go to the rescue. His last out-flash of energy was an attempt to establish a free library for the town. But he soon found that his failing strength was no longer a match for provincial inertness and prejudice. Bad times were presently made an excuse for abandoning a scheme which had never been other than rickety at the best, and since his death it has never been heard of.

Some idea of the fashion in which he worked, when he gave his support to any undertaking, may be gathered from a list of the lectures he delivered at one of the literary institutes in the

town. He was one of the originators of the institute, and in every way took a great share in the weary work of foundation—in the endless committee meetings, in the laborious devices for money raising, in the pacifications of squabbles, the compromises of schisms, &c. &c. But, in its early years, lecture-giving was the life of the institute, and to the maintenance of a perennial supply he devoted for a long time the best of his scanty leisure. He was himself lecturer-in-chief, and general diagram-maker for all the other lecturers. During the winter months his study was turned into a diagram manufactory, where he laboured night after night, with vast sheets of cartridge paper, camel-hair brushes as big as those of a house-painter, and little gallipots of coarse water-colour pigments—prepared after a recipe of his own—turning out illustrations, on every imaginable subject, by the dozen. Yet the diagram-painting was, after all, only a little bye-work. In the five years (1840—1845) during which he actively promoted the institute, he produced no less than twenty lectures—two on elocution, two on meteorology, two on acoustics, six on geology, three on the sanitary condition of Preston, one on the divining rod, one on prisons, three on the Ribble. His career as a lecturer began shortly after he had discovered his powers of extempore speaking; and therefore in all, except the three on the Ribble, he trusted to his readiness and his notes. But applying to the preparation of every one of them his favourite maxim, "What is worth doing at all, is worth doing well," he contrived to find time for the most extensive research, for the most careful study and arrangement of his subject, and for countless original experiments. His exertions were, in one respect, well repaid. When he lectured on prison-discipline and public health, the topic thinned the audience, but on almost every other occasion, his lecture-room was crowded. The three on the Ribble,—which were meant to form a history of North Lancashire—unlike the rest, were committed to writing. He intended them to serve as the closing course of the series; and he spared no pains to make them the best. There were to have been four, but the last was never written; other labours had so thickened upon him that he was obliged to postpone it again and again, and at last (1850), to

substitute a subject, "Modern English Humourists," which required less preparation. As it happened, till within three hours of its delivery, he had never been able to give the lecture a thought. He then hurriedly gathered together a few of his favourite authors, and jotted down a sheetful of hasty notes. But after all, what with his happy reading, and his thorough knowledge and enjoyment of his subject, it was beyond question the most entertaining he ever delivered. This off-hand rattling style of work, however, was so alien from his usual conscientious painstaking habits, that he never repeated the experiment.

But, perhaps, his versatile energy and industry were nowhere displayed more remarkably than in his own home. He took a considerable share in the education of his children, and was himself their chief playfellow. His favourite book for them was, "Philosophy in sport, made Science in earnest;" and the title of the book represented his own manner of instruction. (He was himself an eager amateur in science; new rain-gauges, barometers and instruments of all kinds were his delight, and he was never happier than when making scientific experiments. For instance, at the time when there was so much talk about demonstrating the rotation of the earth by the motion of a pendulum, he hung an enormous pendulum in one of the prison corridors to test the assertions of the newspapers himself.) To set his children "thinking for themselves," was the principle of his method; and even in manufacturing the district. But, when kites, fire-works, &c. &c., for and with his boys, he always contrived to make the plaything help on the education. He had a prejudice against girls' schools, and had he been able would have brought up his own daughters entirely at home. Boys, he thought, generally obtained the best education by living at home and attending a day school: and fortunately, in the case of his own sons, the excellent grammar school of the town enabled him to carry out his theory.

To teach his children drawing was the part of their education which he most enjoyed. He never gave up his painting till absolutely compelled by ill-health. He at one time felt scruples as to whether he was justified in devoting so much time to an

amusement: but he eventually reconciled it to his conscience by setting apart a large number of his pictures to be sold at bazaars for the benefit of new churches and schools. He must in this way have raised, at various times, many hundred pounds. He was passionately fond of the fine arts, and during the latter portion of his life he had full opportunities for gratifying his tastes. Some of the wealthy gentlemen of the town were liberal patrons of art, and at their houses he formed the acquaintance of most of the best painters of the day. He thus found his way behind the scenes, so to speak, of the art-world. His exacting fastidiousness, however, somewhat interfered with the heartiness of his connoisseurship: a piece of false drawing, or an impossible shadow, would mar his enjoyment of the finest picture.

From the establishment of the separate system in the prison dates the commencement of a great change in his manner of life. He at once very nearly doubled the time he had previously spent among the prisoners, and, for the future, rarely devoted less than six hours a day, and often more, to his work among them. An early riser, he was always down-stairs by seven o'clock, left the house soon after eight, and was generally at his post by nine. Though he usually reached home again by four, he had, on the average, at least two hours' work still to perform, either in letter-writing, or in the preparation of his reports. By degrees his correspondence grew into perfect drudgery. The notoriety of his prison reports brought upon him constant applications [illegible] and his report on the sanitary state of [illegible] luckily for him, more than one set of government officials that he was thoroughly to be relied on to collect facts, to filter away everything unnecessary or untrustworthy, and to compress the residue into the compactest form for immediate use. From that time it is scarcely an exaggeration to say, that he became a regular government hack. About once a month there came a letter from some secretary or commissioner, with the ominous words, "On Her Majesty's Service," on the cover, wanting some "return," or "statistics," or "information."[1]

[1] And the Commissioners had a choice variety of subjects: I take an illustrative fragment of a letter which, with a bundle of similar ones, has been preserved by chance among Mr. Clay's correspondence:—

And most likely a whole week's leisure would have to be devoted to the compilation of an elaborate answer. There was, too, an incessant influx of private letters equally importunate for "facts," from philanthropic authors and pamphleteers preparing for the press; from members of Parliament getting up speeches on some branch of social science; from working Christians wanting advice in practical difficulties. For the last fifteen years of his life he was the victim of incessant brain-picking, yet he never complained. Once convinced that his help was asked for the accomplishment of some definite good, he was always prodigal of his time and trouble.

But this incessant work soon began to tell on his strength. As early as 1846, appeared the first symptoms of failing health. Fortunately, at the same time, the chance of a long holiday was presented. He had not enjoyed one of more than three or four days' duration since his wedding tour, eighteen years before. A congress of prison-disciplinarians from all parts of Europe had been summoned to meet at Frankfort-on-the-Maine, in September; and, at the request of the visiting justices, he set out, in company with one of their number, to attend it, with the intention of extending his excursion into Switzerland. He was, apparently, quite unfit for the journey when he started; an unlucky wound on the right leg, which had for many weeks defied cure, broke out afresh on the eve of his departure, and almost induced him to turn back from Ramsgate. Ill health quite spoilt the first fortnight of his hard-earned holiday; but, at last, he completely regained his strength, and the latter part of his tour—it only lasted five weeks—was a time of keen pleasure. He brought home a book full of coarse chalk sketches; and for the next four years to work out his reminiscences from these rough data into water-colour paintings, was his chief amusement. During the rest of his life, the hope of "some months in Switzerland, when his imprisonment with hard labour was over," was his constant day-dream. He returned to England,

"Whitehall, May 13, 1854.

"MY DEAR SIR,—I thank you for the results as to the suppression of smoke, which I forwarded to Lord Palmerston. You will see the use I have also made of it in the discussion on Dr. Arnott's new smoke-consuming grate. It produced a strong impression," &c. And then comes a request for information about "zymotic diseases."

apparently, completely restored to health, but before two years had passed, over-work had again reduced him to his former state of debility. During the latter part of 1848, and the early months of 1849, it was with great difficulty that he got through his accustomed task. In May, the sickness which had long been creeping on, fairly overtook him, and he was attacked at once with brain fever and inflammation of the lungs. First, his life, and then his reason, were brought into extreme jeopardy. He recovered, however, far more completely than his family had at one time dared to hope; and on the first of July he was again at his post in the prison. But the rest of his life was little better than one long illness.

Even before this severe attack, he had begun very earnestly to wish for some work easier than his chaplaincy. He had, up till then, taken it almost for granted that the Government would, sooner or later, give him preferment; and while his health was still unimpaired, he felt no anxiety to press his claims. He had yet to learn, that while obsequiousness, importunity, political or religious partisanship, or aristocratic connexions can generally obtain a share in the Church patronage of her Majesty's ministers, as a rule—which the exceptions are just sufficient to prove—a clergyman whose claims rest only on long, laborious, and useful public services, is almost systematically forgotten. It was not, therefore, till his strength began to fail that he yielded to the urgent advice of his friends, and applied for a crown living, which chanced to be vacant. At a later period, he would have been well content with preferment which would have brought a decrease of labour, even without an increase of income. At this time, however, his pecuniary outlooks were somewhat clouded. It is true that he had a few hundreds a year, derived from a small fortune settled on his wife and children, which, with his usual scrupulous honesty, he carefully mentioned in his application; but a debt, which he had contracted in the attempt to help a near relation out of difficulties, combined with other causes beyond his control, had at this time greatly impoverished him, and made him keenly anxious for the future. The application was pressed on his behalf with considerable zeal by many of his friends in Parliament, and the issue was, that his "claims"

were emphatically acknowledged and sacrificed to a job. Being constantly assured that "if he never asked he would never get anything," three or four times afterwards he renewed his application; but he never would condescend to personal solicitation, and even to write a mere formal request was a sore effort. In 1855, Lord Harrowby, then Chancellor of the Duchy of Lancaster, offered him the rectory of Castleford, in Yorkshire, warning him, however, that, in spite of the ostensible advantages of the living, he must not expect from it either any relaxation or additional emolument. "I certainly," he wrote in reply, "have not the strength to undertake such a cure single-handed, and the income of the living would not enable me to pay such a curate as the work to be done would require. Let me beg of your lordship to believe that I am truly grateful for this mark of your confidence, and not the less so from its being the first evidence of willingness to recognise my humble services." This was the only offer of preferment that he ever received.

Sometimes for weeks, or even months together, he would again be well and strong. And at every interval of health his high animal spirits at once rose again, and the buoyant sanguine temper revived. But a change came over his spirits by degrees. Latterly constant depression, which he could not shake off in spite of many efforts, was the most painful part of his malady. He now began to feel sorely the depressing nature of his prison labours. "I should have been dead long ago," he would say sometimes, "but for my high animal spirits. People often take me for an Irishman. A gaol-chaplain is not worth much unless he has plenty of Irish elasticity in him." Gradually the conviction grew upon him that he was no longer fit for his post. The first entry in his journal in which this conviction is confessed is dated July 30th, 1853—"I have attended to my duties in the Gaol during the week as usual, though I regret to record that gradually decreasing strength precludes the ability to give that full measure of time and labour that I could desire."

And while his strength was decreasing, the work to be done was increasing. In 1849 the magistrates entered into a contract with the Home Office for the charge of fifty government convicts. This brought so great an increase of labour as almost to neces-

sitate the appointment of an assistant chaplain. But, though the contract was very profitable to the county, he received no help, no addition even to his previous stipend. Every year his correspondence became more and more laborious. A new kind of toil, too, had now been superadded. Scarcely a year passed without a summons to appear as a witness before one or two parliamentary committees. The preparation of notes for his evidence was generally an irksome task; moreover, the fatigue of the journey and of his attendance on the committee always overtasked his wasted strength, and rendered the two or three weeks after his return home a period of painful prostration.

He tried to husband his energies in every way possible; one after another he gave up every amusement that involved the least fatigue. He entirely ceased from going into society, and at last he even abandoned his painting. But in the summer of 1854 it became quite evident that, however he might economise his strength, the labour of his chaplaincy was far too severe. His personal friends among the magistrates now proposed to appoint an assistant chaplain for a year, to give him the chance of regaining his health. The proposal was easily carried; a few justices, it is true, indulged in some coarse talk about "justice to the ratepayers, and the propriety of Mr. Clay resigning if he could not do his work;" but the great majority gladly accepted the opportunity for manifesting their high value for his past services. His own plan was to find a man fitted to be his successor, to work with him till he was thoroughly conversant with his duties, and then to offer to resign in his favour. Unfortunately, however, the gentleman on whom his choice fell (though a man of considerable ability) proved quite unfit for ministrations in a Gaol. And at the end of the year Mr. Clay felt himself bound not to prolong the engagement.

The failure of this plan was a great disappointment to him; the wish to be quit of his chaplaincy had now grown into a weary yearning. He thought, and probably with truth, that the smoky air of Preston aggravated his maladies, and he clung to the belief that a change of climate would in a great measure restore his health. It was this belief which made him cherish almost to the last, though he knew that he was hoping against

hope, the vague expectation that "some one would give him a small living in the country, where he could breathe freely, and, perhaps, work again to some purpose." It so chanced, however, that at the time his curate left him he was in better health than he had been for three or four years before, and he therefore resumed his work single-handed with much more alacrity than he had expected. He had, moreover, two reasons for not resigning his chaplaincy sooner than he could help. Though an increase of his private means, which he acquired about this time, had relieved him from the pecuniary anxieties which had pressed upon him some years before, yet he had still a considerable debt to liquidate. His heart was set upon paying this debt before he died, and, as he had only a life-interest in his private fortune, the only way to accomplish his wish was by saving something out of his yearly income. To exchange his salary for a pension, at the loss of more than 100*l.* a year, would have been the death of this hope. Yet, whether he was justified in retaining his chaplaincy from this motive, when he felt that his strength was insufficient for his work, was the cause of a constant mental contest. He was now entering on his thirty-fifth year of office, and if he could hold out to the expiration of the thirty-sixth he was entitled to a larger pension; at last, after many searchings of heart, he concluded that it was his duty to do so. His recent disappointment, too, had taught him that his eagerness to resign was after all clogged with the condition that his successor should have the will and the ability to work in the prison as he had done himself.

Altogether, therefore, he fell back into his old routine of work almost with cheerfulness, and for the next eight or nine months he performed his usual duties with comparative ease. By degrees, however, he sank again into his former state of debility, and before the thirty-fifth year was completely expired, he felt that he had no alternative but to tender his resignation. He offered, however, to retain his chaplaincy, if the magistrates wished, on condition of their again appointing an assistant chaplain. He had a strong wish that the latter arrangement should be made, for he believed that he had now found a man whom he would be well content to see installed in his own office—the

Rev. J. P. Murphy, a clergyman of whose ability and energy he had, from very close observation, formed a high opinion.[1] The choice of an assistant virtually rested with himself, and he hoped that if Mr. Murphy served some months as his colleague, he would thus establish a claim to the sole chaplaincy on his own resignation. The magistrates acceded to his proposal—it involved, in fact, a saving of county money; yet at the same time there were very few of them who were not anxious to fall in with his wishes to the utmost of their power. By the time he had worked six months with Mr. Murphy he was quite reconciled to the thought of resigning in his favour. The exertion to perform even a fraction of his usual labours became each day more painful, and, now that his principal anxiety was wholly removed, he was very unwilling to accept any longer full payment for services which he only nominally performed. He therefore once more placed his resignation in the hands of the magistrates. At their earnest request, however, he continued to exercise a general superintendence for some months longer, and thus it happened that before he preached for the last time in the Chapel his thirty-seventh year had commenced.

And when the chaplaincy was at last abandoned, yearningly as he had long looked forward to a release from its drudgery, it was with irrepressible sadness that he accepted the conviction that the rest of his life must be spent in comparative uselessness. To a man of his insatiable energies this was a hard trial. "I hope," he said to one of his sons, "that you may be spared the bitterness of finding the power to work prematurely destroyed, while the will to work is as keen as ever." His final report was published in January, 1858 (since 1849 the reports had appeared at very irregular intervals); it was with tears that he wrote the concluding paragraph, and other eyes, too, were wet when they read it:—

"It is not without regret that I now take leave of responsibilities which, for more than thirty-six years, it has been my anxious desire to discharge with fidelity and efficiency. Whether,

[1] I must not allow Mr. Murphy's name to appear here without thanking him for the valuable assistance he has given me in the preparation of this volume.

under Providence, I have been, in any degree, successful in my aims, it is for others to pronounce. In finally withdrawing from my post, I believe myself to have yielded only to bodily weakness; but, in thus thinking, I know that I may be wrong; and, indeed, in reading over the foregoing pages I am sensible of a prolixity and an egotism which betray infirmity of another kind. I would, however, plead, both for these and other faults, that it has been only during the intervals of freedom from pain and depression that I have felt able to commit my thoughts to writing and use some of the materials I had collected. I have often been on the point of throwing my task altogether aside, and might have given way to the impulse, but for the fixed and deeply felt desire to prove to all who do not refuse to sympathize with a gaol-chaplain's cares and anxieties, that, among the multitude of our prisoners and outcasts, there are many—oh! *very* many—yet capable of being brought, by God's grace, within the Christian fold."

And now the time came for the accomplishment of many plans which, for the last ten years, he had been constantly cherishing. He would travel quietly from place to place till he found some warm dry climate where he could breathe with ease; he would begin to use his sketch-book again; he would take up the study of Italian and German, a study to which he had long looked forward; he would slowly and quite at his leisure write a book which should embody all his prison experiences, his thoughts upon criminal law, and his plans for "evangelizing our home heathen." It was too late; his health was broken past all chance of recovery. The disease from which he suffered was asthma, and the nature of the disease rendered it impossible to use the proper means for the restoration of his general health. The state of extreme debility to which he was reduced rendered a very generous diet necessary for his recovery. Yet he was unable to take food, except in the smallest quantities; a single tablespoonful of wine, or the wing of a chicken, were often quite sufficient to bring on a violent paroxysm of asthma. On many days he was compelled to endure actual hunger, knowing that he could not gratify his cravings except at the expense of very great suffering. Latterly he lived almost entirely upon coffee, eggs,

and bread; it was only at breakfast time that he could venture to make a hearty meal; he had to pass almost all the rest of the day fasting. His case was besides rendered more hopeless by his inability to get sufficient sleep. As regular as the clock, a violent coughing fit came on between five and six in the morning, and to get up and dress himself was the only way of checking it. At night, too, he could not venture to bed until quite wearied out, for unless he could rely on falling asleep at once, the relentless cough was sure to seize him, and keep him awake the whole night. In consequence of all this his strength was at last completely drained away, and he became merely the wreck of his former self. His disease, it is true, was very uncertain. During warm sunny weather it would sometimes leave him entirely, and then his spirits would rise and the old buoyant playfulness reappear; but these intervals of relief now rarely came, and his family saw that he was gradually sinking under his maladies. No part of his sufferings was more painful to him and to them than the terrible depression which it produced. At last it became apparent that the mind and will were beginning to fail. When the asthma fit was upon him his native energy and courage seemed to sink away, and he would sit for hours together, helplessly rocking in his chair, waiting for the interval of relief.

And while in this state of ceaseless suffering, the thought that he had earned a better fate would at times embitter his reflections. The consciousness of neglect—perhaps one of the most painful feelings of which the heart is capable—at one time became almost part of his malady. Yet the feeling was commonly displayed in a very beautiful way. He treasured up with avidity every mark of kindness and respect which was shown to him during the last year or two of his life. At the time of resigning his chaplaincy letters full of sympathy were addressed to him from all quarters. After his death these were found, the humble friend's and the cabinet minister's alike, all sealed up together in one packet, arranged according to date, and carefully labelled on the covers.

At the worst he never lost his marvellous elasticity. In the early morning, when he was generally comparatively free from

pain, or on favourable days, he was as clear-headed, energetic, and sanguine as in his best years. On such occasions his thoughts always reverted to his "plans for going from home;" but nothing definite was ever fixed. His schemes were perforce deferred from day to day, "till he should get stronger," and so the winter of 1857 and the spring of 1858 passed away. The summer of this year brought a terrible and unexpected blow. He lost his wife, after only a few days' serious illness. She died during the night of the 28th June, and when his sons went to tell him in the morning they trembled for the consequences. His married life had lasted more than thirty years—years, as regards their mutual love and trust, of unbroken happiness. During her short illness he had been restless and unhappy, too ill to remain in her room, and yet uneasy not to be there. His grief, too, was at all times very passionate; and therefore his sons, knowing on how slender a thread his life hung, almost feared lest their news should break it. To their surprise, he received their tidings very quietly: they did not understand till afterwards that he was too weak to be capable of passionate sorrow. How deep his grief really was, in spite of his calmness, was indicated clearly in a day or two. In one of the churchyards of Preston he had a vault, where two of his children lay, and it was his wish that his wife too should be buried there. A few years before, this churchyard had been very unnecessarily closed; but he knew that permission to bury in an old vault was sometimes granted by the Home Office, as a favour, if good cause could be shown. He therefore sent one of his sons to London with a short memorial, asking permission to use the vault, and reminding the Under Secretary that, though he had often done hard work for the Office, he had never asked a favour till then. Knowing that such requests were not seldom granted, when urged by persons who were considered to have a right to make them, he counted with confidence on obtaining his wish, and was therefore cut to the heart when he received the common lithographed form of refusal with the usual excuse, which in this case happened not to be true. Very unwilling to bury his wife in the public cemetery, he had no alternative but to take her to a churchyard, ten miles distant, where her father and mother were interred. His medical adviser,

certain that he could not attend the funeral at so great a distance, except at the risk of his life, urgently counselled his sons to dissuade him from the attempt. At first he consented, though with great reluctance, to remain at home; but before long he announced that he had changed his mind, and was determined to go. One of them began a remonstrance; but he saw his father wring his hands in a fashion peculiar to him, which always indicated almost overpowering emotion, and therefore he at once refrained from pressing his objections. As it turned out, Mr. Clay bore the unwonted fatigue without the least injury to his health.

Shortly after his wife's death he went to stay with his eldest daughter, who was married, and resident at Derby. From thence he removed to the neighbouring village of Quorndon, the air of which he had been advised to try for his asthma. There he remained till the middle of September, and apparently regained his health in a surprising degree. On his return to Preston he said frequently that "he had not felt so well and strong for years." He remained at Preston a fortnight, to settle his affairs, and then went to Leamington (which he had chosen as his place of residence for the winter), accompanied by his younger son and daughter, and by one attached servant. There he was comfortably settled early in October. It had been his son's intention to remain with him throughout the winter, in case he seemed to require constant attendance; but the improvement in his father's health continued to progress so favourably, that when a curacy was offered him in the immediate neighbourhood, where he would still be within call, he accepted it without hesitation. During the whole of October Mr. Clay enjoyed almost total freedom from asthma. He was able to walk or drive out almost every day, and he began to set himself to work in his old energetic way. Most characteristically he had brought with him a German grammar and reading book, over which he commonly spent some portion of the morning; the rest of the day was occupied in reading or writing, and generally the asthmatic fit did not last longer than an hour or two after dinner. In the evening he would sit by the fire, playing at capping verses with his son and daughter; and never at any time had he seemed to hold the inexhaustible

store of old-world literature with which his memory was stocked more completely at command. Passages from old plays and songs seemed to come at call. Night after night he watched, with almost boyish pleasure, for the gradual shining out of the magnificent comet which was then visible. "I am most thankful," he repeatedly said, "that I have lived to see it: I only wish that Henrietta had seen it too." On the evening when the nucleus passed under Arcturus he ventured out into the open air—an act of great temerity for him—to see the beautiful sight more clearly. One of his companions on the occasion will not soon forget the deep emotion with which, as he turned to re-enter the house, he quoted the line, "These are Thy glorious works, Parent of Good."

He said himself, that he "thought he had taken a new lease of life," and his friends fully shared in the belief. On the 8th November, within a fortnight of his death, he wrote to a niece: "I have found the air of this place very beneficial in respect to cough and asthma, and I trust that, in God's good time, I may also find relief from the debility which prevents me taking much exercise." On Thursday, the 18th November, his son, on coming from his curacy in the neighbouring village, was grieved to find him confined to his bed. Having ventured out the morning before, in spite of a sharp frost, he had come home complaining of pain and chill; and thinking it best to try to throw off what he fancied was merely a slight cold, he at once went to bed. On the Thursday he had felt too ill to rise. His son, however, found him so cheerful, and so "sure that he should be well again in a day or two," that he was scarcely alarmed. Still, his anxiety was sufficient to bring him to Leamington again on the Saturday morning. On reaching the house he learned, to his great surprise, that his elder brother and sister had been summoned by telegram, and that his father's life was pronounced in immediate danger. On going into his room, he saw at once that the danger was only too real. But the surgeon in attendance, who came in shortly afterwards, declared his belief that the crisis of the illness (congestion of the lungs) was over, and that his patient would most probably recover. Wishing, however, to take every precaution, his son arranged that a consulta-

tion should take place in the evening with one of the most eminent physicians in Leamington. During the afternoon Mr. Clay seemed steadily to improve; about one o'clock he expressed a wish to make his will, but an hour or two later he said "he felt so much better, he thought it was hardly necessary." When the physician and the surgeon came in the evening, he conversed with them most cheerfully, saying, with a smile, that "he did not think there was anything at all to be frightened about." His eldest daughter and her husband had, by this time, arrived from Derby, and his eldest son from London; and when the medical men left his room, they felt warranted in assuring them that the danger was quite past, and that, humanly speaking, his recovery was almost certain. His children were completely set at ease by these assurances, and that evening not one of them felt any serious apprehension. Both his sons, however, determined to sit up all night, one in his bedroom and the other in an adjacent parlour. The faithful servant also, who had nursed him for the last few years most carefully, and who was more keenly alive to the danger than any one else in the house, refused to go to rest. It was arranged that his younger son should keep watch during the earlier part of the night. For about two hours Mr. Clay slept, though uneasily; but shortly after midnight his breathing became much harder, and he grew feverish and restless. After a time he expressed a wish that the nurse should be called in, and on consulting with her, his son thought it his duty to fetch the surgeon. Unfortunately, for some reason, full two hours elapsed before the surgeon came. From one to two o'clock Mr. Clay seemed to get rapidly worse, but about two there came an apparent change for the better, and he fell quietly asleep. The nurse now went to lie down and rest herself in the next room. Shortly after three o'clock his son heard him move and speak, and thinking that he was in want of something, instantly went to the bed-side. He found him lying with his eyes partly open, talking to himself, and evidently wandering in his mind. As he bent over him to catch his words, he heard him say something about a "letter from Lord ——," and about "sending an answer immediately;" and then a smile, as of great pleasure, passed over his face, and then two or three

more incoherent sentences followed, and then he turned over and fell asleep again. As he strained to catch the faint words, it had seemed to the listener that his father, in his dream, had received a letter offering the "living in the country," for which he had once so pined. Instinctively feeling that the end was now very near, he hastily called in his brother and the nurse. The former, of whose arrival Mr. Clay was still ignorant, kept behind the curtains, for fear of startling him by his unexpected appearance; but, as the nurse came to the bed-side, the dying man opened his eyes and recognised her. "Just turn me over, Clarke, to the other side," he said, "and this shall be the last time." They propped him up with the pillows in a half-sitting position. After a minute or two he let his head drop gently sideways on his hand, and from that attitude never stirred again. Just at this moment the surgeon came in; at the first glance he indicated by a dumb sign that death was close at hand. "Can nothing be done?" said the younger son. "Have you given the ether according to directions?" "Yes." "You can do nothing more." "I promised to call my elder sister in case——" "You have not a moment to lose." He hastened to her room, and in less than three minutes both she and her husband were at the bed-side. Their father was still breathing when they entered the room. The surgeon then went silently out, and the rest stood round the bed watching the face on which a quiet smile rested, till they felt it was no use to watch any longer. The soul had passed away so softly that none of them had marked the exact moment of parting.

It was about four o'clock on the Sunday morning. On Thursday we took him back again to Lancashire, and on Friday we buried him in the same grave where, five months before, he had buried his wife. And presently we caused this legend to be cut upon his tombstone:—

"THEY THAT BE WISE SHALL SHINE AS THE BRIGHTNESS OF THE FIRMAMENT, AND THEY THAT TURN MANY TO RIGHTEOUSNESS AS THE STARS FOR EVER AND EVER."—*Daniel* xii. 3.

[For the sake of illustrating the preceding chapter, the following letters and portions of letters have been selected for publication from his correspondence, together with a few characteristic extracts from a short, private journal.]

"August 20, 1830. It is very difficult to discipline my inclinations as to the disposal of my time. I fear painting is too much of a passion with me. The effort to resist the propensity to this amusement is difficult, and sometimes even painful.

"September 5. I have too many pursuits. I wish the inclination to some of them were destroyed. With so many irons in the fire, though I don't burn my fingers, I cannot keep them (the irons) all *hot*. General reading, politics—almost necessary at such a critical period—professional reading, sermon-writing, Latin, Greek, Hebrew (French, Italian, and the flute almost laid aside). Painting 'I *cannot* away with.' Perhaps a phrenologist would account for this 'omnium gatherum' tendency, by pointing to my bump of imitation. Be that as it may, the unconquerable propensity is always at work.

"January 1, 1834. The Preston Provident Society, upon the plan of those in Liverpool and Manchester, established in some degree by my instrumentality. —— very angry with me in consequence. He says the formation of our Society is 'an insidious blow at the Church of England,' of which he seems to think more than of the Church of Christ.

"January, 1837. My drawings for the bazaar produced about 80*l*. But ——, who quarrelled with me three years ago for my liberality to dissenters, has omitted to profit by the opportunity of a Christian-like approach."

To a Young Lady.

"19th January, 1844.

"Can you recollect, my dear young friend, a poor fellow who, a long time ago, when he had a little leisure, was accustomed to stroll up to W——, and be happy, and try to be agreeable there? No? Well, to describe him more particularly, by negatives. He wasn't fat, nor rosy, nor given to much wine, nor to much melancholy. He had not a luxuriant head of hair; and it was once suggested to him by a little boy, that 'his face was not quite finished.' He could not play the flute well, though he used to flatter himself that he took part in certain instrumental trios.

Do you recollect him yet? No. Well, then, to recall something more exact; he was a great admirer of yours. Nothing particular in that, you say. True, you could not by that circumstance separate him from a crowd of others. Then, can you remember anyone who fancied he could sketch the human face divine? and who made an attempt to *take off* your head? You have a glimmering remembrance of such a person. Well, he is still alive; and with a little encouragement, would introduce himself into your presence. Will you admit him? Will you comfort him with a cup of tea? Will you, in short, replace him in your regards and favour him with a line, to say when he may come to his *situation?* where he will try to prove himself your faithful servant."

To Dr. Lyon Playfair.

"October 23rd, 1845.

[After giving a full account of the potato disease in Lancashire, authenticated by a great mass of evidence, which he had collected: the letter was quoted by Sir R. Peel in the Corn Law debates, January 22nd, 1846, and part of it is printed in his Memoirs, vol. ii. p. 132.]

". . . . In conclusion, though you will see that I anticipate a serious, I would say, momentous failure of the potato crop, I must tell you that no alarm whatever on the subject is yet visible. There is so much healthy activity in all the ordinary branches of trade, and so much unhealthy excitement about railroads 'and else,' that I have never yet heard the state of the potato crop spontaneously introduced into general conversation. There is, indeed, a shaking of heads when the consideration of certain facts is forced upon people, but they are, here, not by any means alive to the jeopardy in which this invaluable root is placed.

"What is to be done for 'sets' next year? Has not the constitution of the plant received a shock which it may not recover for years? and may it not be desirable to bring seed from its native country in South America?"

To Mrs. Clay.

"Brussels, Sept. 18, 1846.

". . . . The sail from Ramsgate to Ostend was delightful; I suffered nothing. . . . . An English lady—a fine and very handsome woman, became a pitiable object to every one but—apparently—her husband, who, himself perfectly well, left her to her fate and the steward. We landed at

Ostend at 12·30. . . . . At four o'clock, we set off per rail for Antwerp. And now, the motion, the heat, &c. &c., made me feel very ill. However, I kept it to myself, and endeavoured to make the best of whatever my travelling companions had to exhibit of novelty. Four of these—two ladies and two gentlemen—were Americans, who had travelled much. A fifth traveller was a handsome, well-bearded Belgian, who, on getting into the carriage with a pretty little Blenheim spaniel, announced, to our great amusement, 'Dis littel dog was stoled in Londres, and I bought him at Ostend twelve monts ago. Since den, he has bin all dróo Europe vid me, and I pot him to the carriage window to see if any von shall own him.' The Americans were very agreeable, and full of good feeling as to the necessity of preserving amity between the countries. At nine o'clock, we arrived at Antwerp. We descended from the train by torch-light, in a large, *un*covered station. . . . . In due time, we reached the Hotel St. Antoine. . . . . Our bedrooms were on the *fourth* floor, quite sufficient to floor a bad leg. The leg, however, stood its work tolerably. During the night, I heard the chimes of the cathedral too often. I rose at six, feeling rather better, and sat down, in the Salle, at eight. All kinds of people with all kinds of dresses, heads, moustaches, beards, and breakfasts. In good time, the English lady made her appearance—oh! how changed from the poor creature whom, the day before, I had seen a helpless log on the deck of the steamer! *Now*, she walked into the room like a queen; taking the shine out of all the other women—and there were some worth looking at—to a decided degree. Having obtained my *café* from the garçon, he kindly inquired, 'Vill you ay some *iks*?' 'Qu'est ce que vous dites?'—'some *iks*'—'Je ne vous comprends pas; mais point *d'icks*, certainement.' Now, it happened that my vis-à-vis was a man of my own age and height, whom I set down in my own mind for a real Frenchman, and no mistake. His hair was silvery white, and his beard patriarchal. Had you seen him, you would instantly have thought of Eugene Sue's characters. Well, after a little pondering over the '*icks*,' it suddenly struck me that the obliging garçon wished to suggest *eggs* as a proper and agreeable accompaniment to my breakfast. So when he reappeared, I expressed a wish for '*un œuf*,' and he expressed a wish for a lesson in the pronunciation of the difficult 'eggs.' Our murmurs attracted the attention of *Eugene Sue*, who turned to me, and in a very obliging manner said, 'Can I be of any service to you, sir,

in expressing your wishes to the waiter?' Such civil and good English from the midst of such a fleece surprised me, as it would have surprised you. Conversation commenced, and we went to it 'like two French falconers,' and before —— came to his breakfast, we had settled all about Englishisms and Americanisms (for he admitted that he was a *Yankee*), Shakespeare, Cobbett, Addison, Goldsmith, the game-laws, &c. After breakfast we walked into the cathedral. Service was going on. Splendid singing, lighted torches, censers swinging, figures in all attitudes of prayer; figures loitering, looking, gazing, staring. It was *interesting* to see some females absorbed in their devotions, and motionless as statues. It was *amusing*, nay, almost laughable, to see others 'of the baser sort' dipping on one knee, here and there, on particular graves I imagine, moving their lips and their eyes, but not in unison, not consentaneously. The lips, no doubt, were engaged, like the knees, mechanically; the eyes were moved by the impulse of curiosity, and such-like feelings. They were riveted on a young man, for instance, and never taken off him during a time which occupied several dips and several prayers. . . . . You will now see, from the length and tone of this letter, that I am feeling much better. Thank Heaven! I am *much* better. For two days it required all the moral courage I possess to enable me to resist the desponding weakness which oppressed me, and to persevere in my journey. . . . . The weather is still very fine and very warm. Not an autumnal tint have we seen anywhere since leaving Preston."

To the same.

"Brussels, September 19th, 1846.

". . . . Our first visit was to the Church of St. Gudule. . . . . the painted glass windows are glorious. . . . . The windows are interesting as exhibiting the progress of art in glass staining from about the 13th or 14th century, down to 1844. The earliest of these, of course, are quaint here and obscure there, depending for their effect upon the colour. Many windows bearing the date 1563, &c. are the finest of the *whole*. The *irregular-shaped bits* of glass which —— delights in, are no longer seen, and it is evident the artist discarded them, either because he could *now* obtain his coloured glass to fit the regular divisions of the window-frame, or because he saw no beauty in such capricious black lines. However

that may be, these windows of 1563 are splendid specimens, not so much of painted glass, as of high pictorial art. The figures are full of dignity, the drapery full and flowing; the arrangement of colour showing the best knowledge of harmony and contrast, and the heads, especially some of Ferdinand and Isabella, and certain saints and bishops, might have been painted by Titian himself. They are wonderfully fine, and would be so, even were they on canvas . . . . . After leaving this fine church, we spent a couple of hours in the National Collection of pictures. Rubens is, here, the principal contributor, but I was less pleased with him on this occasion than I was at Antwerp. His colouring and prodigality of invention are, of course, remarkable; but his drawing often vilely careless, and the conception of his subject astounding. For instance, in a great picture with the figures larger than life, he represents the Saviour wishing to destroy the world, but restrained by the Virgin and St. Francis! The Saviour is a bearded man, grasping lightning, of the same kind, to look at, as that which Vulcan is represented to have manufactured for Jupiter —on his features is an angry scowl. And how does the Virgin endeavour to divert him from his purpose? Just like Brockedon's mother, who, you recollect, recalls her infant from the edge of a precipice by the allurement of the bared bosom! Meanwhile, St. Francis, with terror admirably depicted on his features—but the terror of a helpless old man deprecating the fury of an angry savage—endeavours to protect the world (represented by a terrestrial globe) by cowering over it! This is a long description: but the picture astonished me by the wonderful knowledge of the capabilities of paints and brushes, and the wonderful ignorance of the character of our Lord's mission. Well! you shall have no more pictures, only tell Mr. —— that there is a *Peter Neefs* here, which, I fear, will forbid my looking at any other Peter Neefs for a long time to come. There is also a Gerard Douw, about half the size of this half-sheet, representing the artist himself engaged in painting a cupid from the model by the faint light of a single candle. What would I give for such eyes as Gerard must have had! . . . . "

"Bonn, Sept. 22nd.

". . . . . We slept at Aix-la-Chapelle, in one of the handsome buildings, comprising reading-room, refreshment-room, and gaming tables. There were gamesters in all their glory, and all their agony—

all ranks, all ages, old men, old women, and some scarcely removed from boyhood. I shall never forget a young and handsome couple, man and wife, I suppose. He staked dollar after dollar, and dollar after dollar was lost. Then he consulted his wife, and they seemed to make up their minds to try again; they tried again and again, until all seemed gone. His looks of agony—flushed face, bloodshot eyes, and hardly-bitten lips—were only equalled by the distress in *her* face. . . . ."

To the same.

"Coblentz, Sept. 22nd, 1846.

". . . . We set sail from Bonn shortly after ten o'clock, and arrived here about six. The passengers were of all countries; but I really think one-half of them were English. The *most* beautiful part of the sail is that presented soon after leaving Bonn, and includes the *Drachenfels*. Here, however, the good company are invited below to a good dinner; and the coarse taste for German dishes sadly preponderated over the fine taste for picturesque scenery. It is a fact, that, while passing the Siebengebirge and the Drachenfels, three-fourths of the intellectual people, English, German, and French, were gobbling. Well, I thought, I can get a dinner most days of my life—but a scene like this only once. . . . . There was much to amuse in the company. English 'milords,' with carriage and courier, were predominating—I do not mean in number—but in manner—especially the young lady portion of the family. . . . ."

"St. Goar, Sept. 23rd.

"To-day has been beautiful; and I did not, as I did yesterday, forget my sketch-book. It is rapid work, however, attempting to fix in a sketch-book, scenery which you are passing at the rate of eight miles an hour. You will wonder to see my letter dated St. Goar. Understand, then, that, as usual, I scraped acquaintance with a well-informed Englishman, who advised us to land *here*, as being the most beautiful spot on the Rhine. We took his advice, and now have reason to be grateful for it; for we are in a comfortable German inn, the Rhine flowing under our windows, and the most magnificent ruin I ever saw towering above us. I won't attempt to describe it, because I have made a sketch of it, which it will be a great happiness to me to show you. After making my sketch of the superb ruins, I took heart and determined to set the *leg* at defiance, and scale the rock—the tower-crowned steep. I accomplished this without doing much mischief, I trust, to the self-same leg. After tea we

were treated to a few airs on the bugle, accompanied in perfection by *Echo*. It really was very delightful—the night dark—the lights in the opposite little town reflected right across the placid Rhine, and the bugle tunes answered as clearly as possible. A pistol shot was reverberated in *thunder*.

"Frankfort, Sept. 25th.

". . . . My reception has been flattering. Dr. Julius was very kind. He has prepared a work for the press, and quoted my opinions. Indeed, 'Mr. Clay' seems a very familiar name to the persons interested in prisons. . . . I am going to see and hear one who would, I suppose, set all London crazy—Jenny Lind—who is so frightened at the gas of London, that she will not come to our opera on any consideration whatever."

"Sept. 26th.

". . . . Opposite, at dinner, sat an American—a regular Virginian—well educated (to the law), had travelled much, liberalized his opinions, but retained a pardonable partiality for his country. He had helped, in his younger days, to revolutionize Texas, was threatened with expulsion for his conduct by his *aristocratic* family, and has now become moderate and sensible. He had assurance enough to introduce himself to Jenny Lind, in order that he might do her homage on behalf of the New World;—he says that Willis is a conceited and vulgar fellow, who is not admitted into good American society; he expresses his disgust with the bowie-knife, and told us of a man who carried *five* of them about him—two being in his boots! . . . . After our conversation with the American we visited a collection of paintings. . . . . I was most interested by specimens of the great modern German masters—Lessing, Schadow, and Overbeek. The pictures by Lessing pleased me much. I do not know an English artist who could equal them. 'Schadow's work of the Wise and Foolish Virgins' is also admirable for everything constituting a fine work of art, especially the expression in the heads of the *wise* virgins.

After a cup of coffee, we went, by invitation, to a concert given by amateurs. . . . . The singers sang excellently—the audience ate and drank wonderfully;—most of the songs were about *'Vaterland,'* and, at the conclusion of each, everybody took his or her filled glass and jingled it against everybody else's filled glass. I was, on this occasion, introduced to the inspector-general of the French prisons, and a

kind of chaplain-general of the same. On Monday, I shall probably be introduced to Jacob Grimm and Kohl—both of whom we shall meet at a soirée, at M. and Mme. Bethmann's, where also we shall be introduced to Danneker's famous Ariadne. . . . ."

" Sept. 27th.

". . . . To-day we shall dine with Dr. Vaircntrapp at two, and most probably meet most of the leading parties to the '*congress penitentiare.*' To-morrow the discussions begin at 9, terminate for the morning at 12.30, recommence at 3.30, and terminate for the day at 5.30, and thus it will go on for Monday, Tuesday, and Wednesday. We ought to join P—— at Basle on Wednesday night, but that will be impracticable, without sacrificing the last day of our meetings. I should really consider it by no means unfortunate if he were to write to say he could not come; for every one tells us the season for Switzerland is very late, and I do long, *long* to be at home. However, 'time and the hour run through the roughest day.' . . . . I have heard singers who pleased me more [than Jenny Lind]; but probably none who *acted* so well. She is the Miss O'Neal of opera singers. . . . . We have just returned from a private dinner party. . . . . The gentlemen, some from France, some from Norway, Belgium, all parts of Germany, &c. began [after dinner] to make speeches. . . . . The company were all distinguished people;—professors, &c., wearing all kinds of ribbons and orders; all noisy and good-humoured. The speeches, one of which was delivered in three languages, seemed clever. The polyglot speech wound up with a handsome and feeling allusion to Addison and his last moments."

To the same.

" Yverdun, Oct. 3d, 1846.

" I wrote you a few lines from a disagreeable place, called Mulhouse, a few miles short of Bâle. . . . . We travelled all night, reaching our destination about four in the morning. The night was showery but moonlight; and we saw something of the very wild and beautiful passes through which our road lay. We were in the *intérieur* of the diligence, three young ladies being our companions. One of them, a remarkably pretty Swiss girl, but anxious to be considered French, had travelled that morning, by rail, from Strasburg, and would continue her journey uninter-

ruptedly until she arrived at Lausanne about three o'clock to-day. She was not more than about eighteen. Her tongue and laugh were ringing incessantly; she soon placed herself on easy terms with all her fellow-travellers, especially with the two other girls, who seemed somewhat older, and who soon made her a pet. This may give you an idea of the good manners and conduct of the people. The girl, so long as she continued to respect herself, was as safe as if under the escort of a troop of brothers."

"Geneva, Oct. 6th, 3 o'clock.

"We have had an eventful time of it since I wrote on Saturday. . . . We set off by a diligence from Yverdun to Lausanne, and had a very fine day for our ride. Nothing remarkable, however, in the scenery until arriving at the brow of the hill which overlooks Lausanne, the town itself, the lake, and the mountains of Savoy, burst upon us in their inexpressible beauty. I can by no means describe the splendid scene. The lake was calm as a mirror; the sky almost without a cloud. P—— could not speak for wonder and delight. I can only say that there seemed in the mountains, a union of the most majestic forms with the tenderest colour. We made a hasty meal at Lausanne, and pushed forward by the *malposte* to Geneva, having secured the three seats in the coupée. We entered Geneva at ten at night, took chocolate, and went to bed. On Monday morning we determined to set out towards Mont Blanc. It rained all the way to St. Martin, a village about ten miles from the mountain, where we remained all night, purposing to go no nearer the monarch's throne, because we were anxious to get back, not merely to Geneva, but to home—home. . . . .

"I must cut short my letter, and postpone all details of Mont Blanc, &c., to tell you that I was interrupted by the firing of musketry and artillery. I have actually come all this way to see bridges barricaded and attacked by military, &c. In fact we are in a besieged town. But I'll tell you my story with some little regularity. On our return from visiting Mont Blanc we found the town with an appearance of more bustle than usual. Our *voiture* stopped: the driver descended: the door was opened by one of a small crowd of young men in blue blouses, who invited us to come out, and told us that we must proceed to our hotel on foot. Now you may recollect that Geneva is cut in two by the blue Rhone, and it happened that our hotel was on the opposite side of the river. Accord-

ingly we left in the carriage my little carpet-bag, which contained my and P——'s wardrobe. ——, more wise, carried his little bag in his hand. Well, when we came *on* the bridge, or rather, one of the four bridges, we found many people passing to and fro; but we pushed our way on until we were brought to a stand by a wooden barricade. This, of course, we could not surmount. We could only see two fellows in blouses and belts, with muskets on their shoulders, patrolling the other side. We retreated from this bridge, and tried another. Here another blue-bloused fellow was enacting *Horatius Cocles* to the life. With bayonet fixed and mustaches fierce, he kept the awed crowd at a distance, while two of his comrades escorted a *lady* and gentleman across. We looked in vain for a lady under whose protection we might be permitted to pass. Horatius 'kept the bridge so well,' that he was deaf to all our entreaties and explanations that we were innocent 'strangers;' and for him we might have bivouacked in the open air. One of his more reasonable, or less drunken comrades, however, made his appearance. To him we showed the cards of receipt for our passports, which we had received only a few minutes before on entering the town. This was literally 'playing the right card.' Cocles was coaxed by his 'bon camarade,' and we were escorted across the bridge and over the barricade. We got safe to the hotel; but my unfortunate little bag had not arrived, and there was not the slightest probability that it would be permitted to cross the blue Rhone that night. We got our tea and went to bed. I slept tolerably until four o'clock, when I was awoke by 'Aux armes! aux armes!' and the rapid rattling of many feet; a musket or two was discharged, and all was quiet. I got up, of course, early. The town was quiet, the bridges unpassed except by their respective *Cocleses;* the shops were closed, as well as all places of public resort. All was calm but rumour, and she, as usual in such cases, was very busy. You may imagine how anxious we were to get away. I had been looking forward to this day as the one on which we were to turn our steps decidedly homewards. But we could not stir. My bag was in the hands of the voiturier, our *passports* were in the hands of the municipal authorities, who were on the *other side the water*, and not to be got at, and our shirts were in the hands of the washerwoman. Well, we were told that the bridge would be opened at two o'clock; that we might perhaps get our passports and be off. About one o'clock my bag arrived, and shortly after my shirts, but no passports. And so things went on. To us it appeared ridiculous, that such a tame-looking affair

should be matched by such imbecility in the magistrates. About three o'clock there seemed to be more stir; and a little after an attack was made on the opposite side of the river. Musketry and artillery began in earnest. Our hotel faces one of the disputed bridges. In the middle of this bridge was a barricade, and at the end of the bridge furthest from us, the revolutionists had made another barricade with an omnibus and another carriage. These were fastened by chains. The fire of a nine or twelve-pounder was directed on this miserable *'bus*. The balls passed through it very frequently. P—— met with an old military friend. From his room-window we observed the progress of the battle. We frequently heard the balls whistle past us; and the piece of artillery was so near, that we could see the artilleryman apply his portfire to it. The round and grape plunged into the Rhone right under our hotel, and three times cannon-shot took effect on the house itself. Immediately under our window were posted about forty of the revolutionists in all kinds of uniform; hats, caps, brass helmets, *wide-awakes*, &c. &c. This force, safely lodged behind the parapet-wall of the river, are the defenders of the bridge. . . . . This went on until five o'clock. We could hear the continued fire of small and great guns, and I was reminded of part of an old ballad forgotten since childhood until now:—

> 'Don't you hear the great guns rattle,
> And the small ones make a noise?'

In the meantime the devoted omnibus was riddled, and it was a *riddle* to me—wanting in military skill as I am—why this harmless 'bus should be the object of such terrible attacks. Once the soldiers on the other side attempted to remove it, and, in making the attempt, afforded an opportunity for our revolutionists to try their skill. I do not think many lives were lost—the omnibus was firmly chained, and, to finish its history, we some of us got up from dinner to see it in flames. By this time all firing was over. The revolutionists went to their tea. Our hotel was safely made up for the night, and all is now—nine o'clock—perfectly quiet. What to-morrow may bring forth, I know not; neither do I, ——, nor P—— know what all the turmoil is about. . . . . I will continue my narrative to-morrow."

"Thursday morning.

"The night has passed quietly; but, although no conflict threatens immediately, the note of preparation for it is heard in most directions.

Nine o'clock. Many attempts made by parties to get out of the town, but without success; the ladies, however, behave admirably. For myself, I am much more affected by the intolerable annoyance of the *detention* by this armed—but I must admit *orderly*—mob, than by any fears of their excessive valour. . . . . (Eight o'clock in the evening.) All is well over; and, as Napoleon would say in his bulletin, tranquillity reigns in Geneva. But I will give you our personal story regularly. About ten o'clock our *maître d'hotel* seemed anxious to get us away; and we learned that persons *on foot* might be permitted egress from the town with as much luggage as they could themselves carry. P—— went first, and I followed after a little time; —— followed last. We only sought a good hotel outside the town, where, in case of more serious hostilities, we could pass the night. In fact, I had now become anxious. Our hotel had been [struck] by four cannon-shot yesterday, one of which entered a room in which a lady and gentleman were sitting; and I found that a *mine* was laid within ten yards of the corner of the hotel, the explosion of which might bring great part of the house down. We therefore determined to go (if we could) beyond danger. The plea that we were strangers, and the announcement that we were English, obtained for us a free passage. . . . . When we arrived at the safe hotel outside the town, we found that we could cross the narrow end of the lake in a boat, and obtain from the Hotel de Ville the passports for which we had so long been anxious. We accordingly ventured across, having the disputed bridges on our right. Matters *now* looked a little more pacific; we obtained our passports, and rambled about the part of the town (the old aristocratic part) from which yesterday's bullets were sent. . . . . We then re-crossed the lake, sauntered about the high grounds which overlook Geneva, talked to the numerous parties who were in the same predicament as ourselves, and, at length, having heard on good authority that a treaty was all but signed by the contending parties, we returned to our hotel in time to see the radical, or democratic, or *puritan* party, reap their triumph. It seems that they have gained all their demands, and actually have had surrendered to them the four brass field-pieces which fired upon them yesterday. They were brought to our side the river in a vessel, landed in triumph, and paraded before our hotel, the victorious army being led by six lads in *wide-awake* hats, blue blouses, and armed with muskets. I never expected to see rampant radicalism achieve such a victory. (I must not

forget to tell you that when we were across the water, in the old town, we passed the hospital, in which was placed a list of thirty-four wounded and five killed on the part of the aristocratic interest.) . . . ."

To Lord Macaulay.

"February 22d, 1849.

". . . . Your kindness encourages me to intrude on you a very small piece, not of criticism, but of commentary on the passage of your fascinating history, which alludes to the appearance of the aurora borealis on the night of the battle of Sedgemoor. That phenomenon is very unusual—indeed, except in the instance in question, it has never been noticed as having occurred in summer. That the Northern streamers should have been displayed at all in 1685 is remarkable, for Halley, the astronomer, says, in a paper given to the Royal Society, that he never saw the aurora until 1716, having previously given up the hope of ever witnessing it. He also states that from 1621 to 1707 he could find no appearance recorded by any one, although, during the interval, astronomers were diligently occupied in their observations. It is curious that Dryden should have incidentally preserved a fact which, though eminently poetical in itself, it was the duty of meteorologists to have recorded."[1]

To John Ruskin, Esq.

"Preston, May 14th, 1850.

". . . . I have more than a hundred times carefully noted the effect of the sun's rays, when he is approaching the horizon, upon a broad expanse of water, such as that of the sea on our coast. When the sun's disc is reflected from the surface of *perfectly calm* water (which, however, I do not clearly remember to have observed in the sea) the phenomena are such as would obtain in the case of any object reflected from a plane mirror; when—as I have much more frequently seen—the sea is thrown into *very gentle* undulations, the reflection appears as a beam or ribbon of light equal in breadth to the sun's (apparent) diameter, and extending from the horizon towards the spectator. Most frequently, and this is the matter for investigation, when the surface of the sea has been broken into little

[1] This criticism produced the following answer . . . . . "What you mention about the Aurora Borealis is exceedingly curious. But I can hardly think that is so rare a phenomenon in summer as you take it to be. I once saw it while travelling by night in August, and I remember that Sir Walter Scott, no inattentive observer of nature, makes it appear, just as it appeared at Sedgemoor, on a summer night, and in company with the full moon."—ED.

waves, which present their *facets* in millions of different planes, I have seen the sun's reflections extending on the horizon far beyond the space which can be embraced in the angle of vision, and gradually (often irregularly, the irregularity depending as it appeared on the varying agitation of the liquid mirror) narrowing to a few bright sparkles near my feet. The reverse of this last appearance, *i.e.*, the point on the horizon, and the broad expanse near the eye, I *never* witnessed; I cannot help doubting whether other eyes have witnessed it, and yet it is this which almost all our marine and landscape painters persist in representing as one of the everyday aspects of Nature.

"Having satisfied myself of the actual appearances, I became, naturally, desirous of accounting for them. My theory—which, with great deference, I submit to you—is this: supposing, as I have intimated, that the surface of the water is thrown into millions of little hillocks, which present ten times as many facets in different directions, the spectator's chance of catching the sun's reflections from these facets is, of course, multiplied in the ratio of his enlarging of vision. He sees on the horizon an expanse of water of ten or twelve miles broad, yielding a proportionate number of accidental reflections from the suitable facets of the numberless waves; but near his feet the eye commands only a width of a few yards, and it is only now and then that he can catch a few of the riplets under the proper angle of reflection.

"The error into which almost all our painters have fallen in regard to the matter now under consideration has arisen, I fear, from a want of careful attention to nature's great facts; whatever their '*sketches* on the spot' may have been, they have lapsed into conventionalities in their studios; they have hastily supposed that the sun is reflected from agitated water in a kind of broad belt, which belt, they think, must be submitted to the laws of perspective.

"My admiration of Turner's genius almost equals your own, and I am deeply indebted to you, my dear sir, for enabling me to admire him with greater intelligence, but I have yet to be convinced of his adherence to the truth of Nature in this matter of reflection. I have just been looking over the *Rivers of France*, which I rejoice to have at hand while studying '*Modern Painters*,' and I would beg to refer you, as examples of what I presume to call Turner's pictorial fibs, to one or two of the engravings:—1, 'Tours,' which, nevertheless, seems unconsciously to recognise a bright

line of truth on the *distant* water. In (2) 'Rietz,' the want of veracity is but slight. In 2 and 3, scenes '*on the Loire*,' and '*on the Seine*,' truth again appears in the distance, but is lost in her approach to the spectator. I dare scarcely hope that you will forgive me for hinting that the reflection on the River in '*Havre*' (an admirable picture in other respects) seems to me almost a vulgar conventionalism; '*Paris, from the barrière de Passy*,' being only a little better, and both of them reminding me of the 'reflections on the sea' in one of the Art Lottery engravings, from a picture called '*The Castaway*.' In '*St. Denis*' Turner seems to have noted the true facts with some care. . . . ."

To M. D. Hill, Esq.

[In answer to a letter expressing a hope that he might soon obtain rest and preferment.]

"Preston, February 4th, 1851.

". . . . I took the liberty of sending you my report because I knew you felt an interest in the subjects to which it related, and because also I thought there might be something in it tending to confirm the just and striking views which you lately expressed to the grand jury of Birmingham. On many accounts I am grateful for your letter, chiefly, perhaps, because —though I may be striving to do my work from motives which will bear the test of conscience—such a letter, from such a quarter, comes most opportunely to revive hope and earnestness when inclined to flag, and seems to say with a voice of encouragement, 'Go on, you are doing good.'

"The report which you are so good as to approve was put together under the depressing influence of bad health, and with the feeling that it would be altogether undeserving of the favour which had been shown to its predecessors; judge, then, how gratified I am to find that I have again been permitted to succeed in my attempts to attract the attention of superior and influential minds to matters which seemed to me deserving of it.

"I am grateful, too, for your kind expressions with regard to my period of service, now within a few months of thirty years. Some of my brother chaplains have been labouring for a yet longer term. The chaplain of the county gaol at Derby, has been in office thirty-four years; and Mr. Brown, of Norwich Castle,—who has always been mentioned in terms of high and deserved eulogy by the prison inspectors—has served, I believe, about the same time. If I may judge of their feelings by my own, I would say, 'we continue to take a deep and ever increasing interest

in the work appointed to us. If we have sometimes felt it to be oppressive on our diminished strength we have, as often, had occasion for great thankfulness to Him who has made it prosper. But yet there is some danger—and it is an obvious one—that we may be clinging to our posts when, though unconscious of the fact, we are no longer equal to them.' Under such circumstances, magistrates are too good-natured to remove an old officer; and at the same time they may be unwilling to act in opposition to the economical spirit of the day, by holding out to him the hope of an adequate pension, as an inducement to retire. The prison acts which protect the rate-payers from the effect of extravagant views as to retiring pensions, should also protect the worn-out official from the effect of a too rigid economy.

"Since the importance of prison-discipline has become more fully recognised, it is desirable to encourage well-qualified clergyman to undertake their appropriate share in it. But, can many such clergymen be expected to offer themselves when it is manifest that in entering on a gaol chaplaincy thay choose a path of duty which, however well they may pursue it, never leads to professional advancement. The chaplains of government prisons have—many of them—been preferred after short (from two to five years') service. I am not aware of any case in which a provincial prison chaplain has been so fortunate. I do not presume to hint blame to any quarter for this. The magistracy—as a body—possesses no church patronage: for that of the crown, there are always more expectants than can be satisfied; and with regard to episcopal favour, some time will yet elapse before the nature—and I am bold to say, the value—of such labours as ours will be taken into consideration. Unfortunately, our obscure but incessant work among ignorant and vicious outcasts, leaves us no leisure to edit a Greek play, or write a pamphlet on a theological controversy."

To Miss Carpenter.

"January 16th, 1852.

"I have been *hors de combat* for the last three weeks confined to my bed or room, and unable to write, or I would certainly have stirred myself—though it might have been of no use—with regard to the proposed clauses of the contemplated enactment. I will write to Turner to-day, if possible,—though I am fearful I shall be too late to do any service. I most sincerely wish I could do more to assist you in your great undertaking, but I cannot

find health and time for all that my own immediate duties require. My report, which should have been out last October, is not yet half done. I begin to apprehend that I must either resign my post to some one younger and stronger, or obtain a six months' furlough for change of air and scene. Don't think that I am becoming weary of work; I am, if possible, more interested in it than ever, but I have no remedy against absolute bodily incapacity.

". . . . Forgive so much talk about myself, and let me have the benefit of your prayers."

To the Rev. C. A. Swainson (his nephew).

"June 25th, 1852.

". . . . It is with no little regret that I find myself compelled to forego the pleasure of sharing your trip to Switzerland. I begin to think that until I am entirely liberated from prison, I must not expect anything in the shape of continued relaxation. I may get into Wales, or to the Lakes for ten days, but that will be all I can accomplish. . . . . I have been occupied almost ever since my return in drawing up a supplemental paper for the Committee on Juvenile Criminals. I trust something good may arise from the Committee's labours; though Mr. Baines writes to me that, for the present, they will only present the evidence, and recommend the re-appointment of the Committee early in the new Parliament."

To an Art Student.

[Portions of four different letters are here thrown together.]

"Preston, —— 1852.

"The other day I sat at dinner by ——. In the course of conversation he inquired after you; said that studying from the plaster was injurious (fudge!); that it had been productive of injury to him (fudger!!); that it tended to produce hardness of outline, &c.; and that it was better to copy a good picture (fudgest!!!). You can take an early opportunity of telling him, gently but distinctly, that you are under great obligations to Mr. ——, and that nothing can lead you to forget them. Keep yourself entirely free from anything approaching to intimacy, and yet avoid all occasions of offending him. A man, and especially a young one, cannot have too few *un*friends. . . . . Write your letters *carefully*: study accuracy of expression; because, as you will have to correspond with many

of your subjects and patrons, it will be of importance that your style of writing should indicate the man of liberal education. . . . . Nothing could be better than ——'s general advice—to strive by honest labour to get a style of your own, using other men's works as mere sources of instruction in the *modus operandi*. Yet care must be taken that in pursuing originality you escape singularity. Such a connexion as —— may open to you—in portraiture and else—will be most valuable; and for that reason, if not for still better reasons, you must sedulously cultivate all that is gentlemanly in demeanour, and high and pure in feeling. [After alluding to the probability of a disappointment.] Frith seems to think that you *might* be disappointed, and that 'a little difficulty would do you no harm.' I would counsel you to do nothing under the influence of disappointment, however unjustly it may have been inflicted. The *successful* man is one who has persevered in spite of disappointment. The *un*successful is he who has been diverted from his path by the first formidable-*looking* impediment. This is true in every pursuit, from Robert Bruce and the Great Duke down to the Chaplain of Preston Gaol. Judge for yourself—only let it be judgment that guides you, and not mortification that misleads. Do not be influenced by young and inexperienced men. . . . . I don't hesitate to tell you that your progress is more rapid than I ever expected. Nevertheless, even in art, *chi va piano va sano*. . . . . You should go as often as you can to fill your eye and mind with some *chef d'œuvre* of Reynolds or Lawrence, as a standard to be worked up to. Get Haydon's Life: it will be very valuable to you, both as containing useful information in art, and as an emphatic warning as to what is to be avoided and shunned. . . . . *I pede fausto*—that you may do so, continue true to yourself as a Christian gentleman, and then, by God's blessing, your success in your profession is certain."

To Miss Carpenter.

"November 12th, 1852.

"Your kind letter of the 10th conveyed to me a keen and not undeserved reproach for my neglect in not answering a previous kind letter, dated the 11th of August. I can only excuse myself by pleading that my procrastination was caused by incessant occupation, which left me no time for such a *long* letter as I desired to write. Now, however, I postpone all else to the duty as well as the pleasure of writing to you.

". . . . I need not say with what interest I read your evidence and that of Mr. Hill [before the Juvenile Crime Committee], and how fully I concur in your general views. I fear my own remarks, when you see them, may disappoint you. I was unwell all the time I was in London, and found myself under the cross-examination of gentlemen who evidently thought I was exaggerating. Mr. ——, for instance, thought he had convicted me of gross misrepresentation by comparing some of my statistics with certain printed returns which had just been framed for the Committee. I was able, fortunately, to satisfy the Committee that these returns were full of irreconcileable inconsistencies, not to say gross blunders. All this, however, was harassing, occupied much time, and, after all, leaves no trace whatever in the evidence. A circumstance of a similar character occurred before the Prison-Discipline Committee the year before. In that case, however, I had only to *explain* to the Chairman and Sir George Grey the meaning of their own *official* tables, by which they were testing one of my statements. But I must beware of egotism and prolixity, though I have yet to tell you, what you will be glad to hear, that Sir J. Pakington has sent directions to Bermuda fo inquiry into the state of the hulks there. The Governor of Bermuda, however, is charged with the investigation, and I fear he will scarcely discover abuses which might be thought to reflect upon himself.

". . . . Your account of the Kingswood school is indeed most encouraging, and I heartily pray that the Giver of all Good may continue to strengthen you in your labour of love, and to bless the fruits of it. . . . . Thank you for your kind inquiries after my health. I have much to be thankful for, as I have been mercifully saved from specific illness, though asthma and increasing weakness more and more limit my ability to get through my work. I know that all is for the best and wisest ends, however, and I cheerfully and thankfully leave all in the hands of 'Him that judgeth righteously.'"

To the same.

"January 19th, 1853.

". . . . . I was delighted to hear from Mr. Adderley that Mr. Ellis is to have a full opportunity of exercising at Birmingham his extraordinary and blessed talents for humanizing and Christianizing our perishing juveniles. We have *one* boy whose case I should consider hopeless, were

it not for my reliance on the happy power which Providence has granted to Mr. Ellis, and my hope that I may be able to place him under his care.

"I have just received an invitation to the meeting at Birmingham, which I fear I must forego. Cough and asthma compel me to caution; and the demands upon my time and thoughts in regard to the prison alone, seem to increase just in proportion as my ability to meet them seems to decrease. I am anxious to get out another Report, for I think I have something to say; but when the daily prison-labour is over, though far from completed, I am incapable of further exertion."

To the same.

"July 20th, 1853.

"I send you, with very kind regards, another prison report, the lateness and meagreness of which are only owing to want of strength to put in order the materials I have collected.

"Though I have been most remiss in not writing to you, I have been endeavouring to give effect to your wishes. Your most excellent papers on juvenile delinquency appeared in the Preston *Chronicle* on the same day that the *Pilot* inserted what you had sent to him.

". . . . I was before the Beer and Ale-house Committee, only to learn that the *interests* of religion, morality, social and domestic peace, &c. are a feather in the scale when weighed against the interests of the Exchequer and of the brewers and beer-sellers.

". . . . The *act* of writing is painful to me, or I would not let your kind letters remain unanswered so long. It requires the frequent self-suggestions that I may be useful a little longer, by God's blessing, to enable me to bear up against weakness and the crowding demands on my attention."

To the Rev. C. A. Swainson.

"Preston, October 28th, 1853.

". . . . Since my return from London in July, my general health has suffered much, and were it not that my salary cannot yet be dispensed with, I should have sent in my resignation. It is an unhappy position to be placed in, when, for the sake of 'filthy lucre,' a man is clinging to an office which he cannot properly fill. Colonel Jebb advised resignation, suggesting that any retiring allowance which might be doled out to me would not preclude my subsequent holding of any small government living.

But there is risk and speculation in this. My doctors say, what I well know, that I shall never again be permanently equal to my place, but that I might hope to discharge lighter clerical duties, which would afford some relaxation, and more exposure to the open air.

"There is very much in your letter which I should like to discuss with you. I think you are well advised to remain where you are at present, unless some better and more useful sphere open to you. The condition and efficiency of the Church is, at present, indeed a momentous theme; the ignorance and heathenism of nearly, if not *quite, half* our population are appalling. Here, in Preston, we have about thirty thousand 'hands' wilfully idle, or, rather, thrown into idleness by the perverse and wicked folly of a small minority among them. The good natural qualities which, generally the hands exercise in support of their questionable cause, only makes one bitterly regret that these valuable qualities, patience, fortitude, order, cheerfulness under privation, &c., have not been made available for higher aims than those they are seeking now.

"Asthma and lumbago make writing somewhat painful."

To Miss Carpenter.

"January 10th, 1854.

"Though I am very late with my good wishes for you, let me beg you to believe that I do, from the 'very ground of my heart,' now reciprocate the kind words and feelings contained in your letter of the 3d, praying that an Almighty Providence may enable you to see the accomplishment *here* of the great and good work which you began.

". . . . It will interest you to learn that our deplorable strike is still marked by a diminished rate of committals to the prison. Should the estrangement between masters and men continue much longer, however, the committals *may* rise; for the allowances from the Union funds, which have been sufficient to sustain the hands in *food*, are not sufficient to enable them to renew their *clothing*, which is now rapidly wearing out. You will be glad to hear that the factory girls are, in many cases, availing themselves of their compulsory idleness for the purpose of obtaining instruction: my daughter and two or three young friends have a class of thirty-five girls receiving constant daily instruction. Such a benefit, however, will only be a feather in the scale against the enormous weight of evil—social, moral, and physical—produced by this disastrous quarrel."

To the same.

"August 25th, 1851.

". . . . Thank you for your kind inquiries about my health. I have seized a 'good day' to write this to you; but on the whole I am more and more unequal to my duties. Hoping that you will forgive the egotism of the act, I send you a newspaper report of what took place among our justices on the proposal to give me assistance. A gentleman comes to my aid on the 1st of September, and I shall soon afterwards try to obtain a month's invigoration. I cannot hope, however, to retain my post long. My present feeling is to assist my assistant into harness, and then—if he should work with Divine blessing on his labours—to withdraw altogether. I should like—no doubt—to withdraw into a quiet country parsonage, where, with the aid of my two daughters (who are devoted to school work), I might be useful for a few years longer; but it is intimated to me that there is no probability of such a wish being realized. There are so many expectants and applicants for Crown and Chancellor's livings, with more *powerful* claims, that a mere good chaplain must necessarily be overlooked.

". . . . I have in MS. the *very* lengthy memoir of a young London thief. It is very striking, as laying open the state of things among the *accomplished* practitioners in crime, and I have been able to test its truth. Would you like to have the perusal of it?

"I see that Mr. Dickens, in *Hard Times*, has a laugh at my 'tabular statements,' and also at my credulity. He is not the only man I have met with who prefers to rely on his own theories and fancies rather than on well ascertained facts."

To the same.

"November 19th, 1855.

". . . . I am doing my poor best towards the establishment of a reformatory school for North Lancashire. The *press* is on our side, and we have many well-wishers among the justices; but . . . . I much fear that we shall be able to do little or nothing in the matter, for we have no Mr. Sturge, or Mr. Baker, or Mr. Bengough, or Miss Carpenter, who will give time and earnest energies to the matter. I am already overweighted by my chaplaincy duties. The magistrates kindly provided me with assistance for a year; but the year is ended, and I am again succumbing under the work which, nevertheless, I strive, by God's help, to perform.

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